SPEECHES

OF

HON. JOHN H. REAGAN, OF TEXAS,

DURING THE DEBATE ON THE PROPOSED

IMPEACHMENT OF JUDGE WATROUS.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, FROM DECEMBER 9 TO 14, 1858.

Thursday, December 9th, 1858, had been set as the day on which the case of the proposed impeachment of Judge John C. Watrous, of Texas, was to be taken up for consideration. The question of a postponement of the case to a future day being under consideration—Mr. REAGAN said:

Mr. SPEAKER: I do not rise for the purpose of specifically resisting the proposition which has been made to continue this case until Thursday of next week; for I am willing that the House should consult its own disposition on the subject. So far as I am personally concerned, I am ready to proceed with the discussion at once; but if it be deemed necessary to the convenience of members, and a fair and full examination of the case on their part, that there should be a postponement until Thursday next, I have no desire to throw obstacles in the way of such postponement. I rise, Mr. Speaker, particularly for the purpose of invoking the attention of the members of this House to the fullest investigation of this case. It is one of such magnitude and importance as to demand from them, I think, their closest and most serious consideration. It demands their attention as well from a necessity to settle the manner of proceeding in cases of impeachment, as a regard for the interests of, not Texas alone, but of all the States of the Union. What more serious and important subject can attract our attention than the purity and dignity of the national judiciary? Therefore, if it be determined that the case shall not be taken up this morning, but that, on the contrary, it shall be postponed for a few days, I ask members to bestow some attention upon it in the interim; for it is one of a magnitude unequaled by any case of impeachment ever presented for the action of the American Congress, or ever presented for the action of the Parliament of England, if we except only the great East India case of Warren Hastings. I trust that the case will not be permitted to be delayed by postponements from day to day; but, on the contrary, that when it is taken up, it will be pushed to a decision one way or the other. Efforts to bring this judge to trial have been made in two preceding Congresses. Memorials were presented at the beginning of this Congress, and an investigation was ordered by the House, and reports are now before us from the Committee on the Judiciary. We are told by the distinguished gentleman from Tennessee, (Mr. READY,) that a volume of evidence and papers in the case have been printed filling some fourteen hundred pages. The facts involved are before the House. I doubt not that the present postponement is asked for in good faith, and not for the purpose of delay, but to afford an opportunity for an examination of the documents in the case, and I do not, I repeat, object to it; but I do ask the House to resist any further delay.

During the progress of the debate on Friday, the 10th of December, the following occurred:

Mr. REAGAN. I find, Mr. Speaker, by the report in to-day's Globe, that my colleague (Mr. BRYAN) made a statement yesterday which I did not hear dis-

tinctly at the time, but to which I desire to call his attention. He is reported as having said:

"As one of the Representatives of Texas, I state here that Stephen F. Austin has stated, under his own hand, that he purchased the three eleven-leagued grants, and that Samuel M. Williams had full power of attorney to sell them."

The purpose for which I rise is to ask my colleague whether it is convenient for him to lay before the House the paper on which he made that statement, as such a statement coming from my colleague, who is a relative of General Austin, must have a very important influence on the House.

Mr. BRYAN. I state on the authority of a Representative who has been sworn at your desk to discharge his duty, that such is the fact; and no member here will question it. I state that Stephen F. Austin has declared, over his own signature, that he made the purchase; and I trust my colleague will not require the paper to be laid before the House.

Mr. REAGAN. That is not an answer to my question. Will the gentleman from whom my colleague derived his information be good enough to place the paper before the House? I repeat, that anything coming from the great Stephen F. Austin, and vouched for by the Representative of an aggrieved and injured people, who are seeking for the impeachment of one of their judges, must have an important influence in this matter? Will my colleague present the paper, or can a copy of it be had?

Mr. BRYAN. I state that I have the paper, and it is not necessary to present it. At a proper time and in a proper place, however, I will, if called upon, present it.

On Saturday, the 11th of December, the following occurred:

The House having under consideration the resolutions reported by the Committee on the Judiciary, in reference to the impeachment of Judge Watrous—Mr. REAGAN said:

Mr. SPEAKER: In the case of Cavazos and others, against Stillman and others, the plaintiffs claimed fifty-nine leagues of land, or about two hundred and sixty-one thousand acres, fronting, as claimed, about sixty miles on the Rio Grande; and on the Gulf of Mexico and Laguna Madre about forty miles, and including the city of Brownsville and Fort Brown, with the Government improvements, and Point Isabel, the site of the custom-house for the Rio Grande country, and a number of Mexican villages or ranches, altogether of the value of millions of dollars.

The charges which Mussina makes against Judge Watrous in this case relate to his rulings and conduct during the progress and trial of the case, and imply a fraudulent conspiracy with certain attorneys and parties to the suit, for the purpose of establishing their claim to this large grant, and of defeating the claim of the memorialist.

The suits brought by Lapsley were for the recovery of the title and possession of an eleven-league grant of land on the Brazos river, which, according to the testimony of Mr. League, who claims one-fourth of the land, contains ten or twelve thousand acres more than the deed calls for, which would make the grant contain about sixty thousand acres. And Mr. League testifies that this land is worth five dollars per acre, making the tract worth about three hundred thousand dollars. Judge Watrous's interest in this is one-fourth—about fifteen thousand acres; and is worth about seventy-five thousand dollars. But the concession was for three eleven-league grants, of which this is one. And the power of sale, which occupies so much attention in this case, relates also to all three of these grants. These suits were brought by Lapsley against eleven persons who had settled on, and were occupying, cultivating, and improving these lands; and among them was Spencer, the memorialist.

Spencer charges Watrous with obtaining a secret interest in this grant and aiding to have the legal title vested in Mr. Lapsley, a citizen of Alabama, to give jurisdiction to the United States district court of which he was judge; of

allowing suits brought in his own court, and retaining jurisdiction of them until his interest was discovered. He also charges Judge Watrous with adjudicating the title to one of these same three eleven-league grants in the case of Ufford against Dykes, knowing that the questions involved in that case were the same as those involved in the cases in which he was interested.

These charges were presented to the Thirty-Fourth Congress, and, after a very full investigation by the Judiciary Committee, they unanimously recommended the impeachment of Judge Watrous; but the House adjourned without acting on the report of the committee.

At the last session of this Congress these memorials were presented again; and the report of the Judiciary Committee is before us for action.

The great number of questions presented for our consideration, and the facts evolved in the fourteen hundred pages of testimony before us, render it impossible to discuss them all in a speech of an hour. Indeed, the report of the four members of the committee who recommend the impeachment of Judge Watrous is so clear an exposition of the questions involved, that it is hardly desirable to rediscuss them. But I will call attention to some of the more prominent points, and reply to some of the arguments made on the other side.

I shall only have time to refer to a few leading facts in the Cavazos case. And it seems to me only a few need be brought in review to disclose the enormities of this great and extraordinary case.

The original bill was filed in the Cavazos case on the 12th of January, 1849, by E. Allen and Wm. G. Hale, claiming to represent eight citizens of Mexico, against citizens of Texas; thus giving the United States courts jurisdiction.

On the 28th of June, 1849, the defendants, by their counsel, filed the affidavit of Rice Garland, in which he declares and says:

"He is the solicitor of the defendants, Patrick C. Shannon and Richard Fitzpatrick, in the suit instituted on the equity or chancery side of the district court of the United States in and for the district and State of Texas, by Raphael Cavazos and others, *versus* Charles Stillman and others; and that he is also attorney in fact for the said Patrick C. Shannon. He further declares that he is well informed and verily believes that Doña Feliciana de Tigerina, Don Manuel Prieto, and Doña Maria Angela Garcia, the next friend of Don Ramon Lafon, her son, the Don Constantino Tarnava, in his lifetime, whose names are inserted in the bill of complaint as plaintiffs, never did authorize the institution of this suit or bill of complaint against the defendants, either by employing the solicitors on record to commence said suit, or otherwise, any other person to institute this suit; and these facts affiant is ready to prove."

And on the same day James Love, the clerk and master in chancery, reported to the court, the matter having been referred to him for that purpose:

"The master therefore reports that the plaintiffs, or either of them, have not, in person, shown or given any answer to the rule. And further reports that the answer of plaintiff's solicitor is insufficient, and is not responsive to the rule. And therefore reports that no authority has been shown by the plaintiffs, or either of them, or by their solicitors, for the institution of the suit."

On the 30th of June, 1849, Judge Watrous, acting on the above report, made the following order:

"Upon consideration of the motion made by Elisha Basse and Robert H. Hord, counsel for Don Constantino Tarnava, Doña Angela Garcia Lafon de Tarnava, his wife, Don Ramon Lafon, Don Manuel Prieto, and Doña Feliciana Gozeascochea de Tigerina, made parties complainant to the bill of complaint in this cause; and upon further consideration of the several affidavits filed in respect to the said motion, and the said bill of complaint, and the argument of counsel, it is now hereby ordered that the said motion be sustained, and that the other parties complainant in the said bill named have leave to answer the said bill by making the abovenamed parties complainant defendants to the said bill; and they, the said parties so to be made defendants, now appearing by R. H. Hord, their attorney in fact, in open court, do agree that, being so made parties defendant, they will place upon the record of this cause, by answer or otherwise, such averments as will recognize the jurisdiction of this court by acknowledging themselves citizens of this State, for the purpose of this action; and the costs already incurred, and the liabilities to be borne by the parties remaining complainants."

The motion to dismiss was ostensibly sustained, but in effect only so far as to strike the names of five of the complainants, who, in the plaintiffs' bill, were sworn to be citizens of Mexico, from the bill of complaint; and, without any motion, leave was granted to the remaining three complainants to amend the bill by making the five persons thus stricken from the bill defendants in the same cause. And, without any process or notice to them, it is entered of record by the court, in the same entry in which they were stricken from the bill as plaintiffs, that the said parties appearing in open court, by an attorney in fact, did agree to place upon the record, by answer or otherwise, an acknowledgement that they were citizens of Texas, to give the court jurisdiction.

Thus are a married woman, Angela Garcia de Tarnava, who, by the oath of the complainants, was shown to be a citizen of Mexico, and an infant, Ramon Lafon, who, by the oath of the complainants was shown to be a citizen of Mexico, stricken from the bill as complainants, and ordered by the court to be made defendants by agreement, as well as to acknowledge that they were citizens of Texas, to give the court jurisdiction; though it is a plain principle of law known to every lawyer, and especially to every judge, that neither of them could have made a binding agreement if they had been personally present in open court.

But it may possibly be said that such a thing might have passed without attracting the attention of the judge. If so, the answer is, that on the 18th of January, 1851, the following motion was made in behalf of Mussina, to dismiss the cause, by Alexander and Atchison, his solicitors:

"In the above entitled causes, Jacob Mussina, one of the defendants, moves the court that the complainants' bill, as amended, be dismissed at the hearing with costs; and he assigns the following grounds in support of his motion, as a part thereof, to wit:

"*First.* That it is apparent from the pleadings, papers, and record of said cause, that the court has not, and cannot have, jurisdiction thereof, for want of necessary and proper parties.

"*Second.* That the agreement, or consent order, entered of record before the defendant was in court, whereby part of the complainants were made defendants, &c., &c., is not enforceable for want of jurisdiction.

"*Third.* That it is apparent that there is no equity in the bill as amended.

"*Fourth.* That it appears that a guardian *ad litem* cannot be appointed for Ramon Lafon, a non-resident alien infant, who is shown by the bill as amended to be a necessary and proper party defendant, and who is not, and never has been, in court. And this defendant, relying on various other grounds, apparent from the pleadings, paper, and record of said cause, to which, together with such affidavits and other papers as he may deem proper to file on or before the hearing thereof, he refers in support of his motion, files and dockets the same for the adjudication of the court."

And on the 2d of April, 1851, the following motion was made by Swett, Howard, Ballenger, and Hord, the counsel for the defendants:

"The defendants in the above entitled cause, jointly and severally move this honorable court to dismiss the bill of the complainants at the hearing, for the following causes, among others, apparent on the said bill, and in the record and proceedings:

"1. That no jurisdiction in this court is shown or exists as between the complainants and the defendants, Doña Maria Angela Garcia Lafon de Tarnava, Ramon Lafon, Feliciana de Tigerina, and Manuel Prieto, and that the said defendants are necessary parties to this suit, and the court can make no decree unless the said parties defendant are shown to be within its jurisdiction, and are present before the court.

"2. That it appears by the complainants' bill, and the record and proceedings herein, and the fact is that the complainants are all aliens, and that the said defendants, Maria Angela Garcia Lafon de Tarnava, Ramon Lafon, Feliciana de Tigerina, and Manuel Prieto, are also aliens; and that the interests of the said defendants are inseparably blended with that of the complainants, and that said defendants are necessary parties in this cause, without whom no decree can be made; and that the honorable court has no jurisdiction as between the complainants and said defendants, and, in consequence thereof, no jurisdiction over the said complainants' bill, or to grant relief prayed, or any of it.

"3. That it appears by the said complainants' bill, and by the record and proceedings in this cause, that the complainants do not make such a case as entitles them to any discovery or relief in a court of equity, but that they sue upon a pretended legal title, which

must first be established at law, and that their remedy, if any they are entitled to, must be sought in a court of law, and a court of chancery has no jurisdiction over the same."

And on the 14th day of April, 1851, the judge made the following order:

RAPHAEL GARCIA CAVAZOS, *et al.*
vs.
CHARLES STILLMAN, *et al.*

It is ordered that the motion of defendants heretofore filed in this cause and praying the court to dismiss the complainants' bill for want of jurisdiction, be reserved by the court for decision until the decree of the court shall be rendered herein.

And on the same day he made a decree in behalf of the complainants retaining jurisdiction of this *feme covert* and *minor*, as defendants. These parties and three others, citizens of Mexico, were never brought before the court. No answer was ever filed in their behalf; no judgment, *pro confesso*, was ever entered against them; and yet the decree proceeds to pronounce upon their rights.

Such are some of the means by which the jurisdiction of this great case was obtained, and such, in part, the use made of that jurisdiction.

It was my intention to have given thus fully the facts and record on several leading points in this case, but I find this would consume my hour, and must state briefly what is shown by other parts of the record.

Judge Watrous allowed the testimony of interested witnesses, against the objections of the defendants. He allowed the deposition and affidavits of Mr. Hale, an attorney for the complainants, as evidence against the objection of the defendants, although it was shown by his own testimony that he was prosecuting the suit under a champertous agreement, as the gentleman from Tennesee (Mr. READY) would call it—an agreement by which he was to have part of the land, if he recovered, or rather he was to share the proceeds of the sales of the land when recovered and sold.

I will here say, in reply to what the gentleman from Tennesee (Mr. READY) said about the immorality of Mussina's champertous contract, in relation to the subject-matter of this suit, that the immorality of champerty may depend somewhat on locality. By the common law, the law of champerty is held to rest on sound morals. And so it is in many of our States. And such, I think, ought to be the doctrine of every State. And in a case which went to the supreme court of Texas, I exerted the best powers I possessed to show that champertous contracts were unlawful there; for the common law was the law of our State, where it was not superseded by statute, and we had no statute on the subject; but the court, in an elaborate decision, in the case of Corder against McDermett, held that such contracts were lawful in that State. So there, at least, Mussina's contract was lawful.

But the friends of Judge Watrous on this floor should be very tender about denouncing champerty as immoral; for William G. Hale, the attorney for the plantiffs in this Cavazos case, had a champertous contract with his clients, and an interest in the suit before the court, and was admitted by the rulings of Judge Watrous as a general witness in the case, and was a most important witness throughout the case, and was allowed to translate important Spanish documents in the case without being sworn, and was allowed to use those translations and proceed in the cause as attorney, after these several wrongs had been legally objected to, and so brought to the attention of the court. And all this appears in the evidence now before this House, in connection with that singular array of equally extraordinary rulings by Judge Watrous, all on the side of this lawyer, proceeding under a champertous contract—a witness in his own cause, and translating his own title papers from the Spanish, without being sworn, for the purpose of using these translations as evidence to sustain his own title. And this, too, before our supreme court had decided in favor of the validity of such contracts.

The judge allowed the use of translations of important documents, tending to prove the title of the complainants to the property in question, which had been made out by the same attorney who was, by the agreement, to share the profits of the suit when the land should be recovered and sold, when he was not acting under the sanction of an oath, and when the translations were not verified by oath. And this judge also overruled the objections of the defendants to the use of these translations. And Charles Rosiqual, who was appointed to retranslate these documents, said, under oath, that he had "made some slight corrections in them; and I do further say, that the said translations are, as they now stand, faithful and correct translations of the originals, and correctly represent the meaning thereof." Thus showing that they were not, as they before stood, faithful and correct. I have nothing but this record by which now to know how far they may have been erroneous; but if they had been entirely correct translations, the outrage of permitting an interested party to make them, without being under oath, and against the objection of the adverse party, would not have been lessened in the judge.

It has been said, however, as an answer to these facts, that an appeal was taken from the final decree in this case, and the judgment sustained by the Supreme Court. But this position is overthrown by the fact that an appeal was taken by one of the defendants, which Mussina supposed took up the whole case, as is shown by the testimony of Senator BENJAMIN, of Louisiana, who was employed by Mussina to represent him in the case in the Supreme Court; and he says "he did not consider himself employed for any body else." Senator BENJAMIN, after looking to the case, told Mussina the appeal would be dismissed, because a portion of the parties had not joined in it, and advised him, as the five years were not yet out, to send to Galveston and perfect the appeal. This Mussina attempted to do, but failed. The application for an appeal was made by his attorney, Mr. Atchison, who is a highly respectable man and lawyer of Galveston. He went to Judge Watrous at his room, and read to him the petition of Mussina and Tarnava for an appeal, and asked him to fix the amount of the bond, telling him he was ready at any moment to execute the bond; and to this he says "the judge answered me that he would take the paper and consider the matter. He said he would inform me what action he would take." Mr. Atchison says further:

"The next morning I went to the court expecting that the judge would report to me what the bond was to be, or what action he had taken in the matter. I received no such report. I did not make any further application, or insist on it at that time. I think the day after that I went into open court, and from my place called the attention of the judge to the matter which I had presented to him in chambers. I asked him whether he had fixed the amount of the bond. I told him that I was ready to execute it. He then told me, for the first time, that he would fix the amount of the bond when the opposite counsel were in court. I took up my hat and left, under the full impression that he would not do anything in the matter, because I knew that the opposite counsel were then engaged in another court, and in a case that would probably take several days."

This was about the 10th of January, 1857; and the time at which the period for taking the appeal would expire, was the 15th of that month. Who, of all the members of this House, and there are many lawyers among you, ever heard of a judge refusing to fix the amount of an appeal bond until he could see the opposite party in a case like this?

Thus the judge consummated his purpose by preventing Mussina and Tarnava from taking an appeal, knowing, as he did, that the appeal taken by Shannon would be dismissed, and that his rulings and judgment would never have to pass in review before the Supreme Court. The case was dismissed because the appeal was irregularly taken. And this is the action of the Supreme Court, under these circumstances, which has been flaunted in our faces by the friends of Judge Watrous, as the affirmance of his judgment and vindication of his conduct by the Supreme Court.

During the progress of this Cavazos case, Robert H. Hord, who was attorney for some of the defendants, was introduced as a witness for the plaintiffs. Mussina's attorneys, suspecting that he was *interested with the plaintiffs, though counsel for the defendants*, objected to his testimony. And putting him on his *voir dire*, they propounded the following question to him:

"Have you, or have you not, any understanding or agreement with the complainants, or either of them, or their agent or solicitor, in relation to the determination or settlement of this cause, or of any of the matters involved therein, adverse to any interest or right claimed by Jacob Mussina in any property or rights involved in this suit? Are you, or not, interested in any such understanding or agreement?

Which question Mr. Hord declined to answer; and thereupon the court decided that the question need not be answered.

Here, again, you see a ruling well calculated to startle both litigants and the country. And one of two things must be admitted on looking at it—either that the judge must have been influenced by improper motives, or that he was wholly incompetent to discharge the high commission with which he was clothed by the Government. But I do not present this ruling for comment in this point of view; but, if I had time, I could present you a vast mass of equally flagrant rulings, all invariably in favor of the same parties. And I will venture the assertion that no member of this House can read them without saying in his heart, when he has done, that he would not be willing for his rights to be litigated by such a judge. And will you refuse to aid in sending him to the Senate, where that august body may pass upon his guilt or innocence?

Hord was examined as a witness on the 28th of March, 1851. And on the 1st day of the following November, Mussina instituted a suit in the fourth district court of New Orleans against Charles Stillman and Samuel A. Belden, his co-defendants in the Cavazos case, and Willing Alling, their associate, residents of New Orleans, and Basse and Hord, his and their counsel, in which he charged them with "combining, confederating, and conspiring together for the purpose of defrauding him," &c., "out of his just rights" under a certain "contract," dated "the 9th of December, 1848;" and with slandering him by falsely and maliciously charging him with fraud in the public newspapers of the country; and with slandering his title to said property.

This suit, you will recollect, was brought on the 1st of November, 1851, in a district court in the State of Louisiana. The final decree in the Cavazos case was rendered on the 15th day of January, 1852. A portion of the property involved in the Cavazos case was occupied by the United States for military purposes; and it was thought that there was a large sum due by the United States, for rent for it, depending on the result of that litigation.

The decree in the Cavazos case, after decreeing the title to the property involved out of the defendants and investing it in the plaintiffs, goes on to enjoin the defendants as follows:

"That the said defendants, Charles Stillman, Samuel A. Belden, Patrick C. Shannon, and Jacob Mussina, and each of them, and their and each of their agents, servants, and hirelings, be forever enjoined and restrained from again setting up, claiming, or pretending, any right or title in themselves, or others, by virtue of any of the claims, grants, or titles, hereinbefore generally or specially mentioned and set forth, or others of like nature, in opposition to the title of complainants as aforesaid, and from in any way intermeddling with the said tract of land, or any portion thereof, without the license of the said complainants; that they be further forever enjoined and restrained from selling, leasing, or otherwise diposing of, any portions of the said tract of land, and from receiving any money therefor; and from selling, leasing, or otherwise disposing of, any lots in the so-called town or city of Brownsville, and giving titles therefor, and receiving any payments in money, or in any other way, for the same, without the license of the said complainants; and that a writ of injunction, in the penalty of $20,000, as well as all other proper and usual process, be issued for the purpose of enforcing this decree and for the objects herein stated; but nothing herein contained shall be constrained to prejudice or affect the rights of persons not parties in this cause, nor claiming under such parties."

And on the next day a writ of injunction was issued against the defendants. On the 25th day of February, 1854, an attachment was issued from the United States district court at Galveston, against Mussini, for a violation of the injunction in the Cavazos case; and on the same day the marshal made the following return:

Received February 25, 1854: and having made diligent inquiry, I find that Jacob Mussina is, and has *been for many years past, a resident of the city of New Orleans, State of Louisiana, and is not* at present, nor has been, within my district. I therefore return this writ not exected, he being not found in my district.

BEN. McCULLOCH,
United States Marshal.
By E. T. AUSTIN, *Deputy.*

Upon this return, a writ of sequestration was issued, and returned "no property found."

I have been thus particular in stating facts and dates that you may see a specimen of the manner in which the power of Judge Watrous's court is used, where the liberty of a citizen is involved. You have seen several specimens of his action in civil cases in the course of this debate; but you will remember that this proceeding was against the same man against whose rights his extraordinary rulings were all made in the Cavazos case.

The suit in the case at New Orleans was commenced before the decree in the Galveston suit was rendered. The suit in New Orleans was instituted under the authority and in the jurisdiction of the sovereign State of Louisiana. The United States district court of Texas had no power or authority to enjoin proceedings in a State court in Louisiana. Mussina was not a citizen of Texas, and hence not subject to the jurisdiction of the Federal court there.

Thus was Mussina's rights outraged in Judge Watrous's court in Texas; and thus was he pursued, in violation of all law, for attempting to assert his rights in a court where he could hope to get justice. I agree with that part of the committee who say:

"It also seems clear, when the pleadings in the suit instituted by Mussini against Stillman, Belden, and Alling, and Basse and Hord, in the fourth district court of New Orleans, are considered, together with the judgment rendered in it upon the virdict of a jury, and the evidence in the contempt case, that there was no foundation whatever for the proceeding against him for a contempt, and that the action of the judge with respect to it was unauthorized by law, and was intended to be vexatious and oppressive. How any other conclusion can be arrived at, when it is remembered that the suit in New Orleans was instituted by Mussina against his co-defendants alone and their counsel, and related to rights growing out of their own transactions, it is not easy to conceive."

There is another matter connected with this suit in New Orleans to which I must call your attention, without having time to elaborate it. Mussina charges Judge Watrous with "being present at the city of New Orleans during the argument of the suit brought by your petitioner for the conspiracy and fraud connected with the litigation on the Texas bill, for the purpose of aiding and abetting to obtain a successful result for the defendants in the said former suit; and, in order to escape detection, attempting to conceal his presence in the said city by arrangements with the hotel-keeper that his real name might not appear on the hotel register."

In October, 1856, Mussina brought a suit against Judge Watrous and others, in the city of New York, for a conspiracy connected with this same Cavazos case. Judge Watrous's answer was filed in this case, by his attorney, on the 2d of December, 1856, under the New York statute, and sworn to by the attorney, who swears that he made it on information from Judge Watrous. In that answer he says:

"And although he admits that he visited New Orleans, yet he denies that he concealed, or attempted to conceal, the fact of his visits in any way, or that his visits were induced by the other defendants herein, or either of them, jointly or severally, or their agents or attorneys."

The testimony which was brought before Congress to sustain these charges during the session of Congress of 1856-'57 contained the affidavits of Ensign and Galpin, of New Orleans, which show that he did attempt to conceal his presence in New Orleans by requesting the hotel-keeper not to enter his name on the register; that he stayed in a single room (No. 23) by himself; and that during his second stay the hotel-keeper entered on the register, opposite the number of his room, the name of "John Jones."

After these facts came out, and when he came to file his answer last winter, notwithstanding his previous answer in the New York case, he says:

"When I came to the hotel, I desired the clerk, Mr. Ensign, to give me a room without putting my name on the register, and I stated the reason of the request. It was this: that, if put upon the register, it would appear in the papers of the next morning, and be seen by the members of a family who were very intimate with mine, and they would be hurt when they found that I had been in the city and not called on them. This was the reason given to Mr. Ensign. Upon my making this statement, the clerk wrote the name of John Jones opposite the number of my room. This is the revelation of the mighty mystery."

In the first of these answers he denies positively that he attempted to conceal the fact of his presence in New Orleans. In the second he admits that he did attempt to conceal his presence in New Orleans, but attempts to explain why he did it. Which statement is true? Recollect, his arrival the first time was on the 30th of April, 1855; his second, on the 13th of May, 1855. The proof shows that he attempted to conceal his presence on both occasions. In his answer he passes it over as though he had only attempted this concealment once. This was during the pendency of the suit in New Orleans of Mussina against Alling and others, about this Rio Grande property; which was also involved in the Cavazos suit. And I call the attention of the House to the coincidence of dates disclosed in the abstract from the proceedings in that case, and the dates of Judge Watrous's concealment of his presence at the Veranda Hotel, in New Orleans:

MUSSINA *vs.* ALLING *et al.* } In the Supreme Court of the State of Louisiana.

This case was called on the 9th May, 1855, and fixed for trial for 16th May, 1855; the cases preceding it on the docket having taken the whole day, it was continued, for want of time, to be called by preference. It was called a second time on the 21st May, 1855, and set for trial on the 30th of May, 1855, when the argument was opened, and closed on the following day.

STATE OF LOUISIANA, *Parish of Orleans.*

I, Richard Brenan, a commissioner of the State of Texas for the State of Louisiana, to take the acknowledgment of deeds, &c., certify that I have this day carefully and personally examined the minutes of the proceedings of the supreme court of the State of Louisiana, as they are extant on the records of said court, touching the matters in the suit of Mussina *vs.* Alling *et al.*, and that, after a careful collation, I find the foregoing instrument in writing is a correct abstract of said record.

In faith whereof, I grant these presents under my signature and official seal, at New [L. s.] Orleans, this 29th day of November, A. D. 1855.

R. BRENAN,
Commissioner of Texas for Louisiana.

The Judge arrives in New Orleans the first time on the 30th of April. The case on which the Brownsville property and the large amount of money at Washington is supposed to be involved, and which is to have its influence in investing one or the other party with a vast fortune, is called up on the 9th of May, and was set for trial on the 15th day of May. The judge leaves New Orleans the 3d day of May and returns again, and is found in his private room alone, and *John Jones* on the register, opposite the number of his room, on the 13th day of May. The argument was closed on the 30th day of May, and Judge Watrous left New Orleans the 31st day of May.

It is also a remarkable fact, that Charles Stillman, one of the persons sued by Mussina, and supposed by Mussina to be in the conspiracy with Watrous and others, arrived at the Veranda Hotel on the same day on which Judge Watrous arrived there the second time, the 13th day of May. He knew this charge, and this proof was against him; and yet he has not brought a particle of proof to break the force of these extraordinary circumstances. But he has attempted to treat them with contempt and ridicule in his answer. It is a safe rule of law, known well to Judge Watrous, that where one is charged with a crime, and the proof of his guilt rests upon circumstances, if he assume, in his defence, an impossible or improbable hypothesis, this is, itself, a strong evidence of guilt. Look to all that has transpired in Judge Watrous's court and elsewhere, in relation to this immense property. See his flagrant disregard of law, whenever it became necessary to disregard the law, in order to sustain the claims of the plaintiffs and defeat those of the defendants. See first his denial and then his admission of his attempt to conceal the fact of his presence at New Orleans. See how he evades the full force of these circumstances by assuming, in his answer, that he only once attempted to conceal his presence there. See him excusing himself on that occasion by saying "there was a family in the city who were very familiar with mine, and they would be hurt if they found I had been in the city and had not called on them." What excuse does he give for the second occasion? Why omit that? Why did he not prove by some of the "several gentlemen now in the city" the facts which he asserts, and not rest the case on his unsworn statement?

He also denies the fact in his unsworn statement of giving any directions about his name on his second arrival, and yet the witness Galpin swears positively that he did. And after looking at all these things, let your minds inquire if a man of conscious purity and a high sense of honor would attempt to treat them with ridicule and affected contempt. And the sophistry of his answer to this charge is a circumstance not to be looked over. He places his answer on the ground that Mussina charges him with an attempt to influence the judges in Louisiana by corrupt means. Mussina made no such charge, and the judge knew it. He charged him with going there to aid and abet in obtaining a successful result for his friends in that suit. Was there no means of forwarding this result but to corrupt the judges? Can no others suggest themselves to the mind of Judge Watrous? I say to you that I look upon these facts as going far indeed to establish a conspiracy between the judge and others in the Cavazos case, to use the powers of his court for the purpose of corruptly obtaining this vast property.

There are many other interesting points in the Cavazos case, which ought to be examined, in order to a full development of the astonishing array of circumstances which induced the Judiciary Committee of the Thirty-Fourth Congress, of which the honorable gentleman from New Hampshire [Mr. TAPPAN] was one, to unanimously report that—

"In the case of Cavazos *et al. vs.* Stillman *et al.*, the record affords sufficient evidence to satisfy the committee that there was collusion between the solicitors for the complainants and a part of the solicitors for the defendants, and that a part of the defendants, or one of them at least, Jacob Mussina, was defrauded and betrayed by such collusion. They would further state, that there is evidence to satisfy them that a part of the defendants were concerned in the conspiracy, and that the judge of the court knew of the collusion during the pendency of the suit."

And which induced a part of the present Judiciary Committee to report that—

"Before concluding this branch of the subject, it is proper to state that there was no evidence before the committee to show that Judge Watrous had any interest in the subject-matter of the litigation in the Cavazos case, or that he was to derive any advantage to himself from his various rulings in it, or from its final decision in favor of the complainants. But, whilst this is true, it is also due to the occasion for us to observe, that whilst no point in the progress of the Cavazos case, to which reference has been made, would, perhaps, if standing by itself, be sufficient to constitute positive misconduct in a

judge, yet we are constrained to acknowledge that our conviction is different when we look at all of these points and embrace them in a single view.

"Every irregular or wrongful decision of the judge was in favor of the complainants and against the defendant, Mussina, and those occupying a similar position, and was to their particular injury. By maintaining the proceeding as one rightfully brought on the chancery side of the court, these defendants were illegally deprived of their right to a trial by the jury, and were compelled to submit to an adjudication upon their rights to the property in such a manner that the decision would be final and conclusive as to the title of the property, instead of one upon the right of possession, which would at once have been pronounced, on the law side of the court, in an action of ejectment. By maintaining jurisdiction over the case, when a portion of the defendants as well as the plaintiffs were aliens, these defendants were deprived of their rights to have the questions involved in it decided by the courts of Texas, to whose jurisdiction they were rightfully amenable, and whose laws were to govern in that decision. By admitting incompetent witnesses to testify, their rights were effected by evidence given by persons who had an interest in the litigation adverse to theirs. And, finally, they are prevented from having the decision against them reviewed in the appellate court by the failure of the judge to perform his full duty to them in facilitating the exercise of the right of appeal, given to them by law, from motives of public policy, for their own private advantage; and that, too, when there is some reason to believe that the decree by the court is not in conformity with the principles of law, as recognized in Texas. Such a course of action continued through the whole progress of a cause, in favor of some of the parties and against others, is, to our minds, conclusive evidence of the existence of a purpose, on the part of the judge, to favor one party, or set of parties, at the expense and to the injury of others, which is inconsistent with an upright, honest, and impartial discharge of the judicial functions. And this, we believe, constitutes a breach of the 'good behavior' upon which, by the Constitution, the tenure of the judicial office is made to depend."

It was my intention to have considered chiefly the case of Lapsley against Spencer, or rather the suits growing out of the La Vega grant. But as both the gentlemen who have preceded me in advocating the impeachment of Judge Watrous have directed their arguments mainly to that branch of the case, I have felt it to be my duty to change my purpose, and consider, to some extent, the more difficult, because more complicated and voluminous, Cavazos case.

Before proceeding with the other propositions I desire to present to the House, I wish to say that I have heard honorable gentlemen express themselves that, in all this vast volume of evidence, there is no specific act on which you can put your finger and say, that is such an offense, or breach of good behavior, as should call for the impeachment of Judge Watrous. If gentlemen will allow me, I would say he is not charged with a specific crime, constituted by a single act, which can be so proven. He is charged with fraudulent combinations—secret conspiracies with others. He is a learned lawyer and sagacious man; and they all—those concerned with him—without exception, are either learned and able lawyers, or shrewd, sagacious speculators, and many of them men of great wealth—dealing in immense, though litigated, titles to land of doubtful validity—and all of them together combining the most extraordinary elements for the successful, secret management of such transactions in such a manner that, while human misery bemoans its effect, human ingenuity and energy and perseverance can scarcely unravel its meshes.

But go with me to the vast rich plains, the beautiful prairies of Texas, and see there the faithful, honest workingmen of that State, who obey the mandate of our Great Creator, by "eating their bread by the sweat of their face." See them select some favorite spot on the frontier, locate their certificate on it, have it surveyed, and in many instances obtain the patent of the Government, settle on it, build their houses, clear and fence their farms, surround themselves with orchards and stock, and rearing families of hardy athletic children; see them so remain, as I have seen them for twenty years, attached to these homes and settled, as they supposed, for life; and then turn to such a man as Robert Hughes, or William G. Hale, or Thomas M. League, or Dr. Hewitson, or Francis J. Parker, or John Treanor, or John C. Watrous, who are prominent in the transactions now under consideration, and a great number of the same kind

who are now engaged in Texas in hunting up or fabricating old grants, and in endeavoring to mold the legislation and judicial decisions of the State so as to sustain them; no matter if they rest on perjury and forgery; no matter if they were issued upon condition that they should be settled and cultivated, and neither has been done; no matter if the payment of the purchase money was a condition precedent to the investiture of the fee, and that has never been paid; no matter if there were conditions annexed to the grant which could not possibly, under the laws in force before the change of Government, have been complied with for want of time before that change took place, and were followed by constitutional provisions refusing to allow the carrying into grant of such inchoate titles, when above the size of one league and labor, which is four thousand six hundred and seven acres; no matter if they were the Mason eleven-league grants, which were fraudulent and void under the laws of Mexico and Coahuila and Texas, and were subsequently so declared by the constitution of the Republic, and also by the constitution of the State of Texas; no matter for all these things, and others like these;—see such a man, with his legal learning, or his notorious character as a shrewd manager of such things, or his great wealth, which terrifies others from litigating with him, or his high legal, or political, or judicial position, which alarms an humble but honest litigant; bringing his old title to light, discovering its locality, finding that it is not barred by the statute of limitations because it belongs either to a married woman or infant heirs, and with such a claim, under such circumstances, breaking up whole settlements of the first class of citizens I have described, and turning them out of house and home, as poor old Spencer has been served, under what I expect to show is a title resting on a most glaring and outrageous forgery.

Is it to be said, because such men cannot be convicted of crimes by the plain specific proof of a single fact, which can be comprehended at a single view, without an effort of memory and reason, that they shall go on in their crimes and desolate and demoralize a whole country by driving honest men from their rightful homes, and teaching the people, by high example, that the road to fortune is over violated oaths, falsified records, and a mercenary and degraded judiciary. For that would be the effect.

I will now call your attention briefly to a few features in the Lapsley cases. The derivation of title has been stated by both the gentleman from Pennsylvania (Mr. Chapman) and the gentleman from Wisconsin, (Mr. Billinghurst,) and I need not repeat it.

On the 1st of May, 1840, Samuel M. Williams made a deed to M. B. Menard and Nathaniel F. Williams, in trust for the use of his sister, Sophia St. John, for the eleven leagues of land granted to Thomas de la Vega, in consideration of $2,200 paid him, in 1834; and this deed was recorded in the clerk's office in Limestone county, on the 9th of March, 1849. Then follows a deed of release, signed by Williams as agent for De la Vega, to Mrs. St. John, acknowledging the foregoing consideration on the 1st day of July, 1850. On the same day a deed is executed by N. F. Williams and Menard, the trustees of Mrs. St. John, to Thomas M. League. And on the same day a deed is executed by Thomas M. League to John W. Lapsley, of Alabama, for this land in consideration of the sum of $7,000; and it is witnessed by Robert Hughes and A. M. Hughes. And this deed was recorded in McLennen county, on the 10th of February, 1851. Then we come to the agreement entered into in relation to this La Vega grant between Lapsley of the first part, who held the legal title, and League and Watrous of the second part, who were each made the equitable owner of one fourth; and Goldsby, Pluttenburg, Frow, and Price, parties of the third part, who together with Lapsley, were to hold one fifth of one half each, upon the conditions named in the agreement. This was executed on the 9th of July, 1850, and has not been recorded. A number of persons were in the adverse possession of this land at the time these latter deeds

were executed, and suits were instituted against eleven of them early in the year 1851.

League told Watrous of the chance for this speculation in May, 1850. Watrous suggested the Alabama men, as men of capital, who would go into it. League agreed to give him a fourth interest in the land for doing so. They go to Alabama together and with Shearer, in July. They are all together, when the agreement is made with the Alabama men.

Why invest the legal title to this land in Lapsley, who owned but one tenth of the land, and not in League or Watrous, each the owner of one fourth? It is suggested for the reason that Lapsley and the other Alabama men furnished all the money. But what is the difference? If they had made a public agreement instead of a private agreement, and put it on record, instead of keeping it out of view, they would have been just as secure of their rights with the legal title in League or Watrous, as in Lapsley; and League was on the ground, the active, managing man, and one of the largest owners. Why not have vested the legal title in him? The fact that the suits were brought in Judge Watrous's own court, with his own knowledge and consent, (for he stood by and saw the first writs issued, and expressed no surprise, and raised no objection,) may, to some extent, furnish the explanation. And the fact that this judge retained jurisdiction of these suits from 1851 to 1854 without his interest being known to any of the defendants or their attorneys, (for no one of them knew it,) may show why the legal title was vested in Lapsley, a citizen of Alabama. And it is no answer to this to say that Judge Watrous's lawyers, and the officers of his court, knew of his interest. Of course they did. But none of them will undertake to say that any one of the defendants or their counsel knew of it.

I had intended here to take up the testimony of some of the witnesses who testified for Watrous, and show what awkward predicaments they frequently placed themselves in by endeavoring to screen him. But I will not have time. Any one, however, who has read the testimony, will have seen that notwithstanding Judge Watrous's interest of fifteen thousand acres in this tract of land, which by League's testimony is worth $75,000; notwithstanding his conversations with League about it, and with Hughes, his lawyer; and notwithstanding he was present when the title and everything about the land was discussed at Selma, where the trade was made; and notwithstanding he urged League to make to Lapsley a warrant title, and said the case of Hancock against McKinney, in the State courts of Texas, would decide the question in the La Vega title; and notwithstanding he sat in judgment on the concession and power of attorney in the La Vega title, on the trial of the case of Ufford against Dykes, (for they were the identical papers under which he was claiming this $75,000 worth of land; and nothwithstanding in that case he charged the jury that that title was good "and conveyed the land," still Hughes and League and a number of others are all through their testimony protesting that Judge Watrous knew nothing about the title. And why is this? It is because the damning fact stands up before them all the time that their friend and patron, the judge, had sat in trial in the case of Ufford against Dykes, and had said that title was good and conveyed the land, when it was the same title under which he was to make a "fortune." Because the picture came up of the judge adjudicating his own disputed title, with his own lawyer and friend, Judge Hughes, who is employed by him to sustain the title in the Lapsley cases, being wrung in, by his assistance, to the Ufford and Dykes case, and standing before that judge pretending to resist the title which he was employed by the judge to sustain, but really admitting away the rights of his latter clients by furnishing Mr. Hale, the attorney of the opposite side, with a copy of the power of attorney about which you have heard so much, and admitting it in evidence without a question.

At the first trial of this case, when the default judgment was rendered, and

a verdict had on writ of inquiry, Mr. Shearer, who came to Texas at the instance of Judge Watrous, and was made a deputy clerk under James Love at Watrous's request, and who was present at the first interview between Watrous and League about this land, and went with them to Alabama, and was present during the making of the trade at Selma, and who was neither a freeholder nor householder in Texas at the time, and consequently, under the laws there, not a qualified juror, and who was the brother-in-law of Price, one of Judge Watrous's partners, acted as foreman of the jury which rendered the verdict in the Ufford and Dykes case. Knowing, as he must have known, that the judge, in trying that case, and Judge Hughes, in pretending to represent parties whose interest it was to resist that title, before the judge who had employed him to sustain it, and himself as foreman of the jury, with a full knowledge of all these facts, and pronouncing a verdict on his brother-in-law's title, altogether made up a picture so hideous and loathsome that there is no wonder the witnesses kept going out of their way to asseverate Judge Watrous's utter ignorance of the title in which he claimed fifteen thousand acres of land. It has been asked why these witnesses have not been impeached? Gentlemen are of course serious when they ask this; but as some of them, and the most important, for the purposes of those who think Judge Watrous should not be impeached, have so repeatedly contradicted themselves during these examinations, that it really would seem to be cruelty to attempt to impeach them worse.

But another answer to this is, that the committee refused to allow this to be done. In the case of Cleveland, the question was asked, on page 190 of the printed evidence, "what are the relations between yourself and Mussina?" in order to show ill-feeling and unfriendliness on the part of the witness, and to go to his credibility; and objection was made by the committee, and the answer excluded. Remember that an attempt was made to impeach the testimony of Judge Hughes, and the committee refused to consider the question. You will recollect that Judge Hughes was asked the question by Judge Evans as to why his nomination for United States district attorney was not sent into the Senate by the President; and the committee decided he should not answer, Judge Evans at the time stating that the object of the question was to affect the credibility of the witness. I would suggest that members of the committee consider what side of these questions they voted on before they ask us why the witnesses were not impeached.

The genuineness of the power of sale from La Vega to Williams was brought in question in the Lapsley cases. I shall only have time to look to a portion of the evidence on this point.

After the order was made for the transfer of these cases from the United States district court at Austin to the circuit court at New Orleans, and on the 23d day of February, 1855, James Hewitson made oath to the following deposition:

THE UNITED STATES OF AMERICA, DISTRICT OF TEXAS, *to wit*:

Be it remembered, that on this 23d day of February, A. D. 1855, I, Archibald A. Hughes, a commissioner of affidavits and bail in civil cases in the courts of the United States, duly appointed by the district court for the district aforesaid, at the request of Robert Hughes, attorney for the plantiff herein, this day called and caused James Hewitson to be and appear before me, at my office in the city of Galveston, in the district aforesaid, between the hours of nine o'clock of the forenoon, and six of the afternoon, to testify and the truth to say in a certain action at law and matter of controversy now depending and undetermined in the circuit court of the United States, for the eastern district of Louisiana, at New Orleans, wherein John W. Lapsley is plantiff, and Eliphas Spencer is defendant, in behalf of the plantiff.

The said James Hewitson being of lawful age, and being by me first examined and cautioned, and sworn to testify the whole truth in regard to the matter of controversy aforesaid, deposeth and saith as follows, to wit:

That he is acquainted with the handwriting of Juan Gonzales, whose certificate and signature to the original *testimonio* of the power of attorney, purporting to be executed by

José Maria and Raphael Aguirre and Thomas Vega, in the city of Leona Vicario, on the 5th day of the month of May, 1832, before the said Juan Gonzales, regidor of said city and second alcalde in turn, and which is now presented to him, and that from his knowledge of the handwriting of said Juan Gonzales, he does verily believe that the whole of said *testimonio*, including the certificate and signature of said Juan Gonzales, is in the handwriting of said Gonzales; that he is well acquainted with the handwriting of José Manuel Moral and José Nazario Ortis, the persons who purport to be assisting witnesses to said *testimonio*, and he is well satisfied and does verily believe that the signatures to said *testimonio*, "José Naz. Ortis," and "J. Ml. Moral," are in the handwriting of said Ortis, and Moral. The said Gonzales and Ortis, when living, resided in the State of Coahuila. They are now both dead. Said Moral now resides in said State of Coahuila, in the now so-called Republic of Mexico, and is, as he believes, now there. The *testimonio* above spoken of, in order to identify it, is marked A, and his (this deponent's) signature thereon, and which the commissioner taking this deposition has certified to be the document referred to in this deponent's evidence, and has been returned to plantiff's agent.

And further this deponent saith not. JAMES HEWITSON.

Erased in the seventeeth and eighteenth lines from bottom of first page, the words, "he is well satisfied and does;" and the words "he does" interlined before signing.

A. M. HUGHES, *Commissioner.*

And I, the said Archibald M. Hughes, the commissioner aforesaid, do certify that the reason for taking the deposition of the said witness is, that the said witness, the said James Hewitson resides and lives in the city of Saltillo, in the Republic of Mexico, more than one hundred miles from the city of New Orleans, the place of trial of the action at law or matter of controversy aforesaid; and I do further certify that I gave no notice to the said Eliphas Spencer, or his attorney, to be present at the taking of this deposition, and to put interrogatories if he or they thought proper, because neither the said Eliphas Spencer nor his attorney is within one hundred miles of the city of Galveston, the place of the caption of this deposition, and where the same is taken; and I do further certify, that being attended by the witness, as stated in the caption, after being duly sworn, he testified in my presence as before set out, which was reduced to writing by me in the presence of the witness, and by him signed in my presence; and I do further certify, that I am not of counsel or attorney to either of the parties in the action at law or matter of controversy aforesaid, or in any manner whatever interested in the event of the same. I have retained this deposition to be sealed up, directed, and transmitted to the circuit court aforesaid, in accordance with the act of Congress in such case made and provided.

Given under my hand and seal, this 23d day of February, A. D. 1855, aforesaid.

[L. S.] A. M. HUGHES, *Commissioner.*

The points to which I call your attention in this deposition and certificate are, that Hewitson swears to the handwriting of Gonzales, the regidor, and of Moral and Ortis, the assisting witnesses. And that the whole of the body of the instrument, together with the certificate and signature, are in the handwriting of Gonzales, and that Gonzales and Ortis were then dead—that is on the 23d day of February, 1855. And then I ask that it be borne in mind that Hewitson was an extensive litigant in Watrous's court. And that Howard, of the city of Galveston, where this deposition was taken, was the attorney of Spencer at the time, and residing in Galveston when the deposition was taken, and received no notice from Mr. Hughes, the commissioner—this is the son of Thomas Hughes the lawyer and witness. (See pages 284 and 285 printed evidence.) I must also say that it was on this deposition that League and Watrous and others, ousted old man Spencer of his home.

The following is the testimony of Thomas de la Vega, the grantee of the land claimed by Lapsley and others:

On the 24th day of November, 1856, peace having been reëstablished in this city, the (senor) judge caused to appear Mr. Thomas de la Vega, to whom was administered, in due form, the oath prescribed for one who comes forward to say the truth, according to his knowledge; and he having been interrogated conformably to the interrogatories which are contained in the first of the translated documents which were read to him, he said, in answer:

To the first. That he is forty-six years of age, and, by occupation, a merchant.

To the second. That he is not acquainted with, and that he has never been acquainted with, Samuel M. Williams.

To the third. That he has examined the copy, (in question,) and that he never signed the original which it purports to represent; that he did, conjointly with Don Raphael

and Don José Maria de Aguirre, grant a power to the effect that the Williams referred to should take possession of and mark off eleven tracts, (of land,) which the Governor had granted to each one of the appearers: but that he did not grant, and that he never has granted, any power, as to his part, to alienate or sell these tracts; that, consequently, the power which is exhibited to him is false.

To the fourth. That he has always signed Thomas de la Vega, and that he does not recollect ever having done so under the name of Thomas Vega.

To the fifth. That he has never signed any power for the alienation of his lands, and that he does not know whether there is a copy of the document exhibited to him in the archives of Saltillo; but that there cannot be, for he repeats his statement that he has never given any such power.

The sixth is omitted, because no such case has arisen as the question refers to.

To the seventh. That he does not understand the question.

To the eighth. That, a short time since, he granted a power to Mr. Simon Mussina, a resident of New Orleans, to settle, in his name, this matter, conformably to the powers given to him; that what he has stated is the truth, under the obligation of his oath, which he confirms and ratifies, signing it with the judge, before me, as I attest.

ACUNA.
THOMAS DE LA VEGA.

DOMINGO V. MEJIA, *Notary Public.*

In this deposition, La Vega swears that he never signed any power of sale, though he did sign a power authorizing Williams to locate his land; that he has always signed his name as Thomas de la Vega, and never as Thomas Vega; that he had lately granted a power to Simon Mussina to settle, in his name, this land matter.

Next, as is the deposition of Castaneda:

On the same day (November 24, 1856) appeared Mr. José Cosme de Castaneda before the judge, and he having taken the oath in due form of law which is prescribed for every one who appears to tell the truth, according to his knowledge; and having been interrogated on the questions which correspond to and are contained in the interrogatories read to him, he said in answer:

To the first. That since the year 1840, he has, in fact, been the custodian of the archives of the most honorable council of this city, as secretary of said honorable body.

To the second. That he has examined the records, and in fact has found a power granted by Messrs. José Maria de Aguirre, Raphael de Aguirre, and Thomas de la Vega to Mr. Samuel May Williams, a resident of the city of Austin, which (power) is legally authenticated by the second regidor of the honorable council, who officiated as second alcalde, Don Juan Gonzales, dated the 28th of April, 1832, by which the aforenamed Messrs. Aguirres and Vega empower Williams in their name, to take possession of thirty-three tracts of land, which the said appearers (grantors) acquired by purchase from the supreme Governor of the State, and to select the spot in which the surveys of these tracts should be drawn. There is also another power which the same gentleman drew out before the same regidor and second alcalde, Don Juan Gonzales, dated the 5th of May, 1832, by which the said Williams is authorized to proceed to the sale of the above-mentioned tracts of land; but this power was signed only by the alcalde, Don Juan Gonzales and Don José Maria de Aguirre, and not by Don Raphael de Aguirre or Don Thomas de la Vega, or the assisting witnesses, wherefore the said document can be of no effect. That in verification of all that he has stated, he refers to the original documents which exist in the archives under his charge.

To the third. That he is unable to furnish the copies asked for, because he has not due authority to do so, but that if the judge officiating should deem it indispensable to grant authenticated copies, then recourse should be had to secure them to the president of the honorable council. That what he has stated is the truth, under the obligation of his oath, which he confirms and ratifies, adding that he is an adult, fifty years of age, a resident of this city, and by profession secretary of the honorable council. And he has signed this with the judge, before me, which I attest.

ACUNA,
JOSE COSME DE CASTANEDA.

DOMINGO V. MEJIA, *Notary Public.*

Each of the foregoing depositions is certified by the proper officer of Saltillo. The points in this last deposition are, that Castaneda has been the custodian of the archives of the town council since 1840, and that he finds in them a power by the two Aguirres and La Vega, authorizing Williams, in their name, to take possession of the thirty-three leagues of land they are entitled to, executed before Gonzales. He also says there is another power, which the same gentleman

drew out before Gonzales, dated May 5, 1832, authorizing Williams to sell the land. But this power was signed only by the Regidor Gonzales and Don José Maria de Aguirre, and not by Raphael de Aguirre or Thomas de la Vega or the assisting witnesses. He thus contradicts the deposition of Hewitson.

Then we have the evidence of Juan Gonzales, an old Mexican, partially blind, whose testimony it cost League and his partners, including Judge Watrous, nearly six thousand dollars to get from Saltillo, when, if it had been an honest transaction, it ought not to have cost him fifty dollars to get it—contradicting La Vega, who was also an interested, and hence unreliable witness, and contradicting Castaneda, the keeper of the archives, by testifying that the power of sale to Williams had been regularly executed before him by all three of the parties to it. And he also contradicts Dr. Hewitson, (page 626,) by turning up a live witness when it had become necessary to give five or six thousand dollars for the testimony of the living witness, more than two years after Hewitson had sworn he was dead. And remember that Hewitson is a citizen of the same town, and knew Gonzales's handwriting (and, of course, the man) well. Hewitson also swears positively, in order to make out a good case for the judge who was to try his causes, that the body of the power of attorney was in the handwriting of Gonzales. But Gonzales, when he comes to life, swears that the body of this instrument is not in his handwriting, and that he does not know who wrote it. And John Treanor, on page 331 of the printed evidence, swears that Hewitson and Gonzales had an acquaintance of long standing, and were well acquainted. This was in 1857. Does any one want this witness Hewitson, on whose evidence Spencer and ten other settlers were robbed, to be better impeached than this? An honest man would scorn to hold the fruits of such base perjury as his. Will Judge Watrous, or any of his confederates, disgorge their ill-gotten spoils? Surely not, if this house will indorse him as an honest man.

I have gone thus far with this power of attorney; but here, what shall I do? I am notified by my colleague that he, or some one else, has a statement over the signature of General Stephen F. Austin, which may be produced too late for examination, and which states that this disputed power of attorney is genuine. On yesterday I asked to have it laid before the House for examination, as anything coming from his great name, and, especially, if vouched for by his kinsman, and the Representative of the very aggrieved and wronged people who now appeal to this House to put this judge on his trial before the Senate, must have great weight. Is his name to be vouched here to shield this man from the arm of justice? If so, let us see the paper; let us see what General Austin says; let us see whether he saw the instrument executed, or on the records, or whether he distinguishes between the power to take possession and the power to sell. Let us know his means of information and what he does say. I have no doubt my colleague states fairly his understanding of this paper; but he will see the danger to the cause of justice of withholding that paper, if it is one which should be presented.

I will close what I have to say on this branch of the subject by presenting to the House another most important piece of evidence in relation to this power of attorney:

To the honorable Probate Judge, Señor Juez de Letras:

Thomas de la Vega, a resident of this city, now appears before you and says: that, in the archives of the illustrious ayuntamiento of this place exist the protocols of the public acts filed in the year 1832, and that among these acts is a power of attorney bearing date 5th of May, of said year, which, although signed by Don Juan Gonzales, who then performed the office of judge, is not signed by me, the supposed grantor. In justice to my rights, I pray that your honor shall call at the archives aforesaid, demand the said protocol, (or file,) and open the same at the place signed by Don Juan Gonzales; that you shall cite him to appear forthwith before you, without excuse or pretext whatsoever, and in your presence read and examine the said power supposed to have been given by me to

Samuel May Williams to alienate certain lands that I possessed in Texas, and, after a careful examination thereof, that he shall state whether or not it is signed by me. After which I also pray that you shall give me an authentical certificate to this effect: whether said power is, or is not, signed by me, and whether Don Juan Gonzales had authority to perform the same alone, without being accompanied by a scribe or competent witnesses, who, as our laws require, should always assist the judge in performance of all his official acts, to give them force and validity. As these points here above stated will be required by me as testimony in certain claims which I prosecute in the United States, to prove the nullity of the sale of certain lands of mine, I pray that you shall grant me my prayer as above, delivering to me the originals of these proceedings, with the evidence resulting therefrom, to be made use of as best will suit my interest. I demand justice according to the law.

THOMAS DE LA VEGA.

SALTILLO, *September* 17, 1858.

SALTILLO, *September* 18, 1858.

As prayed for, let Don Juan Gonzales, Zertucho, be cited, and let the demand contained in this petition be complied with. Therefore, the judge substitute of the probate judge (of Letras) of this district orders and signs in my presence.

TOMAS SANTOS COY.
DOMINGO V. MEJIA, *N. P.*

Under this same date, Don Thomas de la Vega is duly notified of the above proceedings.

DOMINGO V. MEJIA.

THOMAS DE LA VEGA.

On the same day appeared Don Juan Gonzales, Zertucho, who having taken cognizance of the petition and citation that precede, and having accompanied the honorable judge to the locality where are kept the archives of the illustrious ayuntamiento, and the secretary having been requested to produce the record of public acts for the year 1832, and the same being done, Don Juan Gonzales, after having read and examined the written power of attorney above referred to in the petition, declared that the power of attorney on record is the same authorized by him at that date, and is in conformity in all its parts with the *testimonio* also authorized by him, and that the signature of Don Thomas de la Vega does not appear thereon—he knows not why; and, after having so declared, he hereby signed in presence of and together with the judge, as witnesseth.

JUAN GONZALES, *Zertucho.*
SANTOS COY.
DOMINGO V. MEJIA, *N. P.*

I certify with all due formality that the power appears to have been given by the Licentiate, Don José Maria Aguirre, Don Thomas de la Vega, and Don Raphael de Aguirre, on the 5th of May, 1832, and which is on the records of that year, is not signed by Don Thomas de la Vega, and has no other authorization than the signature of Don Juan Gonzales, who fulfilled the office of judge, without the assistance of a scribe or of competent witnesses, who ought to have accompanied him to give validity to that act, according to our laws; and in accordance with the prayer contained in the annexed petition, I here affix my signature in presence of the scribe, as witnesseth.

TOMAS ZANTOS COY.

DOMINGO V. MEGIA, *N. P.*

On two pages sealed paper is delivered the testimony to Mr. Vega.

The Governor of the free and sovereign States of Neuva Leon and Coahuila, legalizes the signature of the citizen, Tomas Santos Coy, judge substitute of the probate judge of the district of Saltillo, and that of the public scribe, the citizen Domingo V. Mejia, which authenticate the annexed preceding documents, in the matter of the petition addressed to said authorities by the citizen, Thomas de la Vega, Monterey, September 22, 1858.

DOMINGO MARTINEZ.

JUAN GARZA, *Cromc. Secretary.*

The consular certificate I annex.

J. WALSH, *Consul.*

I hereby certify that the signatures to the annexed document are those of the Governor and Secretary of the State of Neuva Leon and Coahuila, in the Republic of Mexico; and the same as they place on all public writings.

Given under my hand and the consular seal this 23d day of September, 1858.

J. WALSH, *Consul.*

This, I suppose, will settle the question as to the testimony of Hewitson, and as to the five or six thousand dollar testimony of the old man Gonzales, and

will show by what sort of title Judge Watrous and his confederates hold this $300,000 worth of land.

Here is as proper a place as any to call the attention of the House to a paragraph in the report of that part of the committee which reports against the impeachment of Judge Watrous. It is as follows:

"This property, it appears, consisted of a tract of land in Texas, granted by the State of Coahuila to Thomas de la Vega, and located and sold by his attorney, Samuel M. Williams, one of the *empressarios* of Texas, associated with Stephen F. Austin, for whose benefit, and to release whom from imprisonment in Mexico, the land was sold by Williams."

Now, I desire to ask the gentleman from Tennessee, (Mr. READY,) upon whose authority that paragraph was inserted in the report? And I respectfully ask him for an answer before the House. There was no such testimony before the committee that I am aware of. And I want to know who it is that is obtruding the name of that great man, to whose memory the people of Texas look with pride, to prevent the trial and punishment of Judge Watrous? I know the gentleman did not put it there without authority, and that, the cause of justice demanding it, he will state the authority for saying that this La Vega grant was sold to release General Austin from imprisonment in Mexico.

Much has been said during the progress of this case about the *clamoring* of the people of Texas against the Federal judiciary. And it has been more than intimated by gentlemen that it arose from the fact that the Federal judges held their positions by a tenure which enabled them to disregard the passions and prejudices of the people; that it was an outcry against an independent judiciary. It is urged that the judge became unpopular because he had the honesty to decide against an improper construction of the statute of limitations, and thereby to force dishonest and absconding debtors in Texas to pay their debts; and because he had had the independence to enforce the law justly, where large grants of land were involved, against which the people were both interested and prejudiced. And upon these grounds his friends rest, it seems to me, as his best defence. Judge Watrous himself set up this defence. In his answer, addressed to the Judiciary Committee, in reply to the charges preferred against him, he says:

"But it will be asked, whence comes all this discontent? Why are these repeated attempts to remove Judge Watrous made? Why did the Legislature pass resolutions requesting him to resign? I will mention two things which have exerted a powerful and controlling influence in the production of this controversy. One is the *statute of limitation;* the other, titles to land within the border and littoral leagues."

And he devotes six pages of his answer to prove this. The committee was asked, during these investigations, for permission to disprove these allegations. But they refused to hear any proof on these questions, saying that they were only called on to investigate the charges which had been made against Judge Watrous, and that it was not necessary to inquire into the causes which led to those charges. I supposed this determination had been enforced impartially on both sides, and still think it was; though, when I attempted to call the gentleman from New Hampshire (Mr. TAPPAN) to order, the other day, for discussing this question, because there was no testimony in relation to it, he informed me there was testimony on the point; that Judge Hughes had testified. Well, if Hale had been here, he, too, would, in all probability, have been a witness to that point; for there is no dispensing with the services of one or both, when Judge Watrous is concerned. If the gentleman will pardon me, if I am not mistaken he agreed with others, very properly, as I think, to exclude all such evidence from the investigation.

As Judge Watrous, however, relies on these allegations, and as his friends all discuss them, and rely on them in this debate, notwithstanding the prosecution was refused the privilege of introducing witnesses to establish their falsity, I must call the attention of the House to a few facts connected with them.

Judge Watrous in his answer on the first allegation, the one relating to the statute of limitations, devotes over two pages to show, upon his own authority, of course, that one Stafford had become indebted to the Union Bank of Mississippi in a large sum, and run a large number of negroes to Texas, and was sued there, and plead the statute of limitation, &c.; and that he had ordered the negroes sequestered, and ruled against Stafford on the statute of limitation, and these things produced an outcry and prejudice against him. Then he goes on to say he is informed that General Cuny, of that State, was Stafford's brother-in-law, and that General Cuny was the Senator who introduced in the Senate of Texas the joint resolutions of 1848, asking him to resign his office of judge. Now, I beg honorable gentlemen to turn to this part of Judge Watrous's answer, (on page 25,) and see with what fervency of eloquence he descants on this supposed state of facts.

Now, one would suppose, of course, after all the labor, and circumstantiality, and apparent candor and earnestness with which he belabored this point, that there was some truth in this part of his defence. But after the witnesses from Texas reached here last spring, and he may well have supposed he would be detected, he walked into the room of the committee to whom this report was made, and asked the committee to allow him to withdraw his answer; that on reflection he found he was mistaken about the ruling on this Stafford case being before the resolutions were passed by the Legislature asking him to resign; stating that he found the suit was instituted after that time. And this was the truth—that the suit was instituted some months after these resolutions had been passed.

Now, one would think, in view of this fact, that it was unfortunate he had expended so much labor and earnest fervency of expression on this part of his answer, leaving out of view the little matter of making so unfortunate a mistake in his defence. But no; his friends, as though they were afraid we should forget this blunder, remind us in almost every speech, of his honest rulings on the statute of limitation, and the unjust clamor of the people against him for it. If we had been permitted, we would have proven to the committee that there was no truth in this part of the defence—not that there may not have been some complaint against his rulings in some cases, for no judge can escape such complaints; and he is as well prepared as most judges to prove complaints against him. But we would have proven that the complaints which alarmed the people of Texas, on account of Judge Watrous's position and power, as United States district judge with circuit court powers, sole judge as he was, resulted from the facts which were notorious, (and are proven now by the many entries on his own docket, transferring causes to another court which, from interest, he could not try,) that he had been of counsel for what was called the New York Land Company, which owned many million acres of fraudulent land certificates against Texas. It was known he was interested in the establishment of these certificates.

Then it was known that he was counsel for the holders of what we called the Mason eleven-league grants—a very large class of grants, which had been improperly and unlawfully obtained from the Mexican authorities, and which, for that reason, were declared void by the convention which formed the constitution of the Republic of Texas, and again by the convention which formed the constitution of the State of Texas. This will be seen to have been the ground on which these resolutions were passed, by looking at them. And as they constitute a part of Mussina's memorial, and embrace a part of the charges on which the judge is now being tried, I will read them. They are, as follows:

"Whereas it is believed that John C. Watrous, judge of the United States district court for the district of Texas, has, while seeking that important position, given legal opinions in causes and questions to be litigated hereafter, in which the interests of indi-

viduals and of the State are immensely involved, whereby it is believed he has disqualified the court in which he presides from trying such questions and causes, thereby rendering it necessary to transfer an indefinite and unknown number of suits, hereafter to be commenced, to courts out of the State for trial; and whereas it is also believed that the said John C. Watrous has, while in office, aided and assisted certain individuals, if not directly interested himself, in an attempt to fasten upon this State one of the most stupendous frauds ever practiced upon any country or any people, the effect of which would be to rob Texas of millions of acres of her public domain, her only hope or resource for the payment of her public debt; and whereas his conduct in court and elsewhere, in derogation of his duty as a judge, has been marked by such prejudice and injustice towards the rights of the States, and divers of its citizens, as to show that he does not deserve the high station he occupies; Therefore,

"SECTION 1. *Be it resolved by the Legislature of the State of Texas*, That the said John C. Watrous be, and he is hereby, requested, in behalf of the people of the State, to resign his office of judge of said United States court for the district of Texas.

"SEC. 2. *Be it further resolved*, That the Governor forward to the said John C. Watrous, under the seal of the State, a copy of the foregoing preamble and resolution; also, a copy to each of our Senators and Representatives in the Congress of the United States."

"Approved, March 20, 1848."

These resolutions, I should suppose, were at least as good evidence of the cause of clamor in Texas against Judge Watrous as his unsworn statement about his rulings on the statute of limitation, which he retracted before the committee, and asked to withdraw. As to the clamor about his rulings on large grants, I have this to say—and I say it because it is a part of the law and public history of Texas, and on this ground I have a right to say it—that the supreme court of Texas have adjudged as valid a very large number of eleven-league grants, and parts of such grants, and are doing so every year; and though there may be, and are, occasional complaints about the establishment of these grants, there has been no public clamor either against the courts or the judges; but the people submit to these adjudications with as much loyalty to the existing tribunals, (and I say it with pride,) as they do anywhere.

As an evidence of this, our three supreme judges, who were appointed by the Governor of the State in 1846, were all reëlected by the people in 1852, the mode of appointment having been changed. They then all resigned in 1855, the law having increased their salaries, and were all reëlected again by the people; and one of them, Judge Hemphill, was last winter elected United States Senator; and another of them, Judge Wheeler, was this year elected by the people to the office of chief justice, he having been associate justice while Judge Hemphill was chief justice.

Now, these judges have been adjudicating these claims all the time, and establishing or overruling them, as justice required; and yet they are popular with the people. My friend from New York (Mr. CLARK) says he loves unpopular judges. These are thought to be most excellent judges; and yet they are popular with the people. There, gentlemen, is a faithfulness of the people of Texas to an honest judiciary, of which South Carolina might be proud; and I believe she seldom changes her judges or her members of Congress.

I hope, in view of these facts, that gentlemen will find some other ground of defence for Judge Watrous than the denunciation of the people of Texas for being clamorous and revengeful towards an honest judge, because he has the *moral* courage to do his duty.

I will bring one more matter to your attention, and I have done. During the investigation of this matter before the committee, I caused a memorial, which was presented to Congress in 1852, by William Alexander, Esq., asking for the impeachment of Judge Watrous, to be withdrawn from the files by order of the House, and referred to the committee.

I was in part induced to ask a reinvestigation of the charges contained in that memorial, by the fact that the Legislature of Texas, during its session last winter passed another set of resolutions in relation to Judge Watrous, instruct-

ing the Representatives of that State to urge his trial on *all the charges* against him; and those contained in this memorial were a part of the charges which were contemplated by the Legislature, as appeared by the debates and the report of the committee which prepared the resolutions. And I was in part induced to do so because the charges had never been fully examined, and because I believed them to be true, and such as demanded Judge Watrous's impeachment.

The committee, as will be recollected, brought this matter before the House and asked its direction as to whether they should proceed with the investigation of the charges contained in this memorial, and by a vote of the House it was determined they should not. The reasons urged for this were, that the memorial had once been acted on, and the charges had not been sustained, and because they were now regarded as stale. I then went before the committee with the transcript of a record from the United States circuit court for New Orleans, properly certified, the case of James Phalen against David P. Herman, which was originally instituted in the United States district court at Galveston, in which Judge Watrous presided. And I proposed to make the charge in my own proper person, that in that case he had colluded with other persons to have the suit brought in his own court, for which purpose he and those with whom he acted had caused a note to be executed by Herman to Phalen for $3,000, as the consideration for a fraudulent land certificate for a league and labor of land, when at the time he and they knew the certificate to be fraudulent and void and worthless, and when, in fact, among those who traded in them, they were worth but about one hundred dollars; that he and they had made up this case in vacation, and transferred it to the circuit court at New Orleans, and there, by collusion and fraud, managed, on pleas prepared for that purpose, to get the court to adjudge the certificate to be valid. And that he and they then, with like fraud and collusion, took the case by writ of error to the Supreme Court of the United States, with a view to secure an affirmance of the judgment of the circuit court at New Orleans, and thus to secure a decision of that tribunal by which they could bind the State of Texas to satisfy the outstanding fraudulent certificates against her, which, as was shown by official data, amounted to over twenty-four million acres; and that they were only prevented from consummating their purpose by the State employing counsel to come here and represent her interest in the Supreme Court, and so arrest this scheme of fraud. I offered this record to prove the facts it contained, and among them were these: that the note which was given for the certificate was executed on the 5th day of July, 1856; that the record contains an order, in the form of a letter, addressed by Judge Watrous to Thomas Bates, Esq., the clerk of this court, which is as follows:

JAMES PHALEN, a citizen of the State of New York,
vs.
DAVID B. HERMAN, a citizen of the State of Texas.

In the district court of the United States for the district of Texas, exercising the powers and jurisdiction of a circuit court.

Whereas the undersigned, judge of the district court of the United States for the district of Texas, was employed as a counsel in a number of cases, of which the present case is one, which renders it improper, in his opinion, to sit on the trial of the suit; and whereas it is apparent from the petition filed that the subject-matter of this suit is cognizable only in the circuit court of the United States; and whereas there is no judge, except the undersigned, authorized by law to hold said court for the trial of said cause; it is hereby ordered, upon application of the plaintiff in this cause, that this fact be entered upon the records of the court; and it is further hereby ordered, that an authenticated copy of this order, together with all the proceedings in this suit, shall be forthwith certified by the clerk of this court to the circuit court of the United States for the circuit of Louisiana, sitting at the city of New Orleans, the same being the most convenient circuit court in the next adjacent State hereto, for such order and proceedings in said circuit of Louisiana, in the case, as to the said court may seem agreeable. JOHN C. WATROUS.

January 23, 1847.

To THOMAS BATES, Esq., *United States District Court.*

In which you see he recites that he "was employed in a number of cases, of which the present case is one," which rendered it improper for him to, "sit in the trial;" and he, on that account, orders it to be transferred to New Orleans. His commission as judge is dated on the 29th of May, 1846; and the cause of action in this case, as you will see by the date of the note, originated on the 5th of July of the same year. So that, if he was employed as counsel in that case, it was after he was appointed judge; and if he was not employed as counsel, he stated in his official character, on the records of his court, that which was not true, with a view to give his court jurisdiction of the case; and in either event furnishes record evidence that he was unfit to be a judge. But I did not propose to rest the case on this record alone, strong as it is, but told the committee the witnesses were then here in the city—men of high respectability, who had been summoned and brought from Texas to testify in this case, by whom I expected to make out the case against him.

I also offered to the committee to make the charge against Judge Watrous, that he had sold three fraudulent league certificates to a gentleman by the name of Lowe, of Illinois, for about six thousand dollars, when he knew the certificates to be fraudulent, void, and worthless; and when, by the laws of Texas, to sell such certificates was a crime of the grade of forgery, and punishable with the most ignominious penalties. And I proposed to prove this charge by a part of a record which I had from the district court for Galveston county, Texas, and by the testimony of gentlemen who were then here as witnesses in this case from Texas.

But Judge Watrous resisted my right to make these charges, and the committee felt themselves bound by the action of the House on the Alexander memorial, as these were a part of the charges contained in that memorial, and declined to hear the charges. I then gave notice to Judge Watrous, and his counsel, General Cushing, that when the House came to act on the report of the committee I should bring these things to the attention of the House, so that if, by such means, he should elude a trial and escape justice, the Representatives of the people, and the people of the nation, through our proceedings, should know how it was done. I have performed that duty.

It is proper for me to say here, too, that while Judge Watrous has made a a sort of outward show of a desire for a trial, he has thrown every possible obstacle in the way of being sent to the Senate for a trial. And it may strike many as a matter of surprise, that while an humble lieutenant in the Army or Navy, if censured with the least dishonor, will not be satisfied until he vindicates his honor before a court, here we have a judicial officer of the second rank in the nation resisting every effort to secure an investigation of his judicial conduct and good behavior.

For these reasons, and others shown by the record, I ask you, Representatives, in the name and behalf of the State of Texas, to send Judge Watrous to the Senate for trial.

I know that, in the progress of the investigation of this case, I have manifested some anxiety and zeal. I desire to say, however, that it was from a desire to do my whole duty, in a matter of great moment to my State and nation, and not because of any personal malice to Judge Watrous; for I have had no acquaintance with him personally, except to see him occasionally since this investigation has been on hand, and I have no cause for personal complaint. And if in this speech my language has sometimes been plain and strong, I believe it to be faithfully true, and to have been spoken of the greatest judicial offender this nation ever produced.

Before Mr. REAGAN had concluded the delivery of the foregoing speech, the hour allotted to him expired; and he asked leave to conclude his argument.

Mr. MORGAN objected.

Mr. CLARK, of New York. I hope the House will permit the gentleman from Texas to proceed. The case is worthy a good deal of consideration.

Mr. MORGAN. I object.

Mr. REAGAN. I appeal to the House to allow me to present the conclusion of my statement.

Mr. NICHOLS. For myself, I prefer that the gentleman should have leave to print the rest of his argument, and then we will read it. I therefore interpose an objection to any gentleman consuming more than an hour; and I move that the gentleman from Texas have leave to print the rest of his remarks.

The motion was agreed to.

On Monday, December 13th, the following occured:

Mr. READY. I ask the gentleman from New Jersey to yield me a moment of his time to answer an interrogatory propounded by the gentleman from Texas (Mr. REAGAN) in his speech of Saturday, as published in the Globe. He had not an opportunity of delivering all of it in the House; but had the permission of the House to publish the remainder, and it is to answer an interrogatory there contained that I desire now an opportunity.

Mr. ADRIAN. I will yield for that purpose.

Mr. READY. The following is the paragraph in the speech of the gentleman from Texas to which I refer:

"Here is as proper a place as any to call the attention of the House to a paragraph in the report of that part of the committee which reports against the impeachment of Judge Watrous. It is as follows:

"'This property, it appears, consisted of a tract of land in Texas, granted by the State of Coahuila to Thomas de la Vega, and located and sold by his attorney, Samuel M. Williams, one of the *empressarios* of Texas, associated with Stephen F. Austin, for whose benefit, and to release whom from imprisonment in Mexico, the land was sold by Williams.'

"Now, I desire to ask the gentleman from Tennessee, (Mr. READY,) upon whose authority that paragraph was inserted in the report? And I respectfully ask him for an answer before the House. There was no such testimony before the committee that I am aware of. And I want to know who it is that is obtruding the name of that great man, to whose memory the people of Texas look with pride, to prevent the trial and punishment of Judge Watrous? I know the gentleman did not put it there without authority, and that, the cause of justice demanding it, he will state the authority for saying that this La Vega grant was sold to release General Austin from imprisonment in Mexico."

Without intending any disrespect to the gentleman from Texas for making the inquiry, I should not have deemed it necessary to have made an answer at all, because the fact stated is merely given in the form of a historical narrative of the La Vega claim, or concession of the land in controversy. I say, I should not have deemed it necessary to answer the question but for the fact that it is apparent that he is laboring under the impression that some individual, whose name does not appear on the record, has communicated the information upon which the statement is made; and in order that his mind may be disabused upon that subject, I feel that it is due to the gentleman from Texas, as well as to the gentleman to whom I suppose his remarks point, that I should answer his interrogatory.

The statement in the report to which the gentleman from Texas refers, was not made upon the information of any gentleman whose testimony does not appear in the record of the case. It was made upon the testimony of Samuel M. Williams, whose testimony was given upon the trial of the case of Ufford and Dykes—the record of which was filed before the Judiciary Committee as evidence on the charges against Judge Watrous. In the testimony of Samuel M. Williams it appears that Stephen F. Austin was the principal owner of this Thomas de la Vega tract as well as of two others, which were granted by Coahuila and Texas. It also appears from the deposition of the same witness that Stephen F. Austin lived in the State of Texas in 1833, and went to Mexico from whence he did not return until about August, 1835. It is a part of the history of the times, that during this period of the absence of Stephen F. Aus-

tin from Texas he was incarcerated in prison in Mexico. It also appears that this Thomas de la Vega tract of eleven leagues was sold by Williams as the agent and attorney-in-fact, or purporting to be the agent or attorney-in-fact, of Austin in April, I think, of 1834. In his testimony, which was more particularly in reference to the Raphael Aguirre tract—for that has the one more particularly in controversy—he states that the proceeds of the sale of that tract of land were used by Stephen F. Austin, when he was in Mexico; and, of course, while he was in prison. It further appears that the Raphael Aguirre tract was sold before it was actually granted. Perhaps it may have been too strong an inference, but I felt authorized, as a member of the committee, in arriving at the conclusion, as a fair inference from the testimony of Williams, that inasmuch as the proceeds of the sale of the Aguirre tract made in 1834, went to Mr. Austin while he was incarcerated in prison in Mexico, the proceeds of the sale of the Le Vega tract took the same direction. That is the testimony upon which the statement was made, whether it was authorized or not.

Mr. REAGAN. This morning I called the attention of the gentleman from Tennessee to the part of my speech above quoted. I have looked as carefully as I could to the testimony, and I have handed him the book in order that he might find the testimony, if it were there, upon which the statement was made. I have not been able to find in the testimony any evidence that any of the proceeds of the sale of either the La Vega or the De Aguirre tract went to release Stephen F. Austin from prison. I have called attention to it for the reason that it seemed to me an unauthorized use of the name of a great man, whose name is everywhere venerated in Texas, to shield the greatest judicial offender this country ever produced. I ask the gentleman from Tennessee now to read the testimony upon which he felt himself authorized to make this statement?

Mr. READY. I wish to say one word in reply to the gentleman.

Mr. ADRAIN. I would like to accommodate all these gentlemen if the time occupied is not to be deducted from my hour.

Mr. BILLINGHURST. I hope, by general consent, the gentleman from New Jersey will be allowed his full time after this explanation.

The SPEAKER. The Chair supposes that, by general consent, the time occupied by the gentlemen from Tennessee and Texas will not be deducted from the time of the gentleman from New Jersey.

Mr. READY. I should have read the testimony of this Samuel M. Williams upon that subject, but I should have had to read more than I thought a proper understanding of this subject would render necessary in order to enlighten the House. I stated, in my first remarks, that it was an inference drawn from the testimony of Samuel M. Williams. I stated that he made a positive declaration that the proceeds, or a portion of the proceeds, of the sale of the Raphael de Aguirre grant went to Stephen F. Austin, of Mexico; but inasmuch as the other and was sold while he was in prison, at a time when he would be more likely to need means than at any other, I inferred that the proceeds of the Thomas de la Vega tract also went there. Nothing could be further from my intention than to cast any imputation upon Mr. Austin. I have had some knowledge of the character of Mr. Austin from an early period up to his death, in 1836. I have had the pleasure and honor of some personal acquaintance with Stephen F. Austin; and that I can testify that he was a man of intelligence. I believe him to have been an honest man in every sense of the term, and as patriotic and as brave a man as ever breathed the breath of life. I would be as far from casting a stain upon his memory as any man living. I may be permitted to add that I had friends who were nearly and dearly connected with me by the ties of blood, whose bones now bleach upon the plains of Texas, who lost their lives in the war of independence, and whose history and reputation, are, to some extent, identified with those of Stephen F. Austin; and, therefore, I would protect his memory as I would that of those of my own blood.

Mr. REAGAN. I am satisfied that the gentleman from Tennessee was influenced by no improper purpose in the insertion of this inference in the report as a fact; and my purpose is accomplished now that it has come to the knowledge of the House that this was an inference, and not a fact, deducible from the testimony.

On Tuesday, December 14th, the Hon. Mr. BRYAN, of Texas, addressed the House on this case, whereupon the following occurred:

Mr. BINGHAM obtained the floor.

Mr. REAGAN. I desire the opportunity to present a few facts to the House, in connection with the statement which has just been made by my colleague.

The SPEAKER. The gentleman from Texas having once occupied the floor upon this question, the gentleman from Ohio is entitled to it.

Mr. BINGHAM. I will yield to the gentleman from Texas for the purpose of explanation.

Mr. REAGAN. These charges have been made, Mr. Speaker, against this man before the Thirty-Fifth Congress, and investigated; and yet this title was never brought forward before. These charges were brought forward before the last Congress, in reference to this fraudulent title, yet nothing was said of any evidence of there being a title to this land in Stephen F. Austin. The trial proceeded, the evidence of witnesses under oath was taken, and public documents produced; the report of the committee was made up; and yet we never heard of this evidence until four days ago, when my colleague promised to produce the facts which he has disclosed to-day. I saw the importance of the facts at the time, and appealed to him to reveal them. I have renewed that appeal since, whenever he has made allusion to them. He declined to do it then, and has waited until to-day, until the very hour when, by arrangement, the previous question was to be moved, when he comes forward and gives us his facts.

Mr. BRYAN. I will state to my colleague that I understand this debate is not to be closed to-day.

Mr. REAGAN. Very well, I have no doubt my colleague has stated, and truly stated, what he found in the papers to which he referred; but I promise this House to show that this La Vega title, so far as it relates to one of the Aguirres and La Vega, and the two assisting witnesses, was a base and infamous forgery. I stand here now and repeat the evidence in that part of my printed speech which was not delivered for want of time, but printed by the consent of the House; and then I will show that these statements of my colleague do not conflict with that evidence, and, if true, do not conflict with anything I have stated. This was intended as trump card, which I am prepared to break the force of by the most conclusive evidence, and to show what it was introduced for, and that it has nothing to do with the question of the guilt or innocence of Judge Watrous.

The first effort to introduce the name of General Austin to shield Judge Watrous was in the report of that part of the committee which reported against the impeachment of Judge Watrous. This effort I defeated on yesterday by showing that it was only an inference by the committee, and not a fact deducible from the testimony. The next effort to introduce the name and fame of General Austin in support of this forged power of sale was by my colleague on last Thursday. I know it was not introduced by him for such a purpose, but that would have been the effect of allowing his statement on that day to go unquestioned. On Friday morning I called the attention of the House to it, and requested him to produce the paper, or a copy of it, which showed that General Austin had said the power of sale of the La Vega eleven-league grant was genuine. He declined to do so. And in my speech on Saturday I again called attention to it, in the terms just read at the Clerk's desk. Still the response is reserved for the crushing, crowning effort in the defence of this case.

I have watched this case a long time; and that part of my speech in which I discussed the validity of this power of sale, on Saturday, concisely states the evidence upon which I make the declaration that it is a forgery, and I will now read it. It is as follows:

"The genuineness of the power of sale from La Vega to Williams was brought in question in the Lapsley cases. I shall only have time to look to a portion of the evidence on this point.

"After the order was made for the transfer of these cases from the United States district court at Austin to the circuit court at New Orleans, and on the 23d day of February, 1855, James Hewitson made oath to the following deposition:"

"THE UNITED STATES OF AMERICA,
"DISTRICT OF TEXAS, *to wit:*

"Be it remembered, that on this 23d day of February, A. D., 1855, I, Archibald A. Hughes, a commissioner of affidavits and bail in civil cases in the courts of the United States, duly appointed by the district court for the district aforesaid, at the request of Robert Hughes, attorney for the plaintiff herein, this day called and caused James Hewitson to be and appear before me, at my office in the city of Galveston, in the district aforesaid, between the hours of nine o'clock of the forenoon and six of the afternoon, to testify and the truth to say in a certain action at law and matter of controversy now depending and undetermined in the circuit court of the United States for the eastern district of Louisiana, at New Orleans, wherein John W. Lapsley is plaintiff, and Eliphas Spencer is defendant, in behalf of the plaintiff.

"The said James Hewitson being of lawful age, and being by me first examined and cautioned, and sworn to testify the whole truth in regard to the matter of controversy aforesaid, deposeth and saith as follows, to wit:

"That he is acquainted with the handwriting of Juan Gonzales, whose certificate and signature to the original *testimonio* of the power of attorney, purporting to be executed by José Maria and Raphael Aguirre and Thomas de la Vega in the city of Leona Vicario, on the 5th day of the month of May, 1832, before the said Juan Gonzales, regidor of said city and second alcalde in turn, and which is now presented to him, and that from his knowledge of the handwriting of said Juan Gonzales, he does verily believe that the whole of said *testimonio*, including the certificate and signiture of said Juan Gonzales, is in the handwriting of said Gonzales; that he is well acquainted with the handwriting of José Manuel Moral and José Nazario Ortis, the persons who purport to be assisting witnesses to said *testimonio*, and he is well satisfied and does verily believe that the signitures to said *testimonio*, 'José Naz. Ortis,' and 'Ml. Moral,' are in the handwriting of said Ortis and Moral. The said Gonzales and Ortis, when living, resided in the State of Coahuila. They are now both dead. Said Moral now resides in said State of Coahuila, in the now so-called Republic of Mexico, and is, as he believes, now there. The *testimonio* above spoken of, in order to identify it, is marked A, and his (this deponent's) signiture thereon, and which the commissioner taking this deposition has certified to be the document referred to in this deponent's evidence, and has been returned to plaintiff's agent.

"And further this deponent saith not. JAMES HEWITSON.

"Erased in the seventeenth and eighteenth lines from bottom of first page, the words, 'he is well satisfied and does;' and the words 'he does' interlined before signing.

"A. M. HUGHES, *Commissioner.*"

"And I, the said Archibald M. Hughes, the commissioner aforesaid, do certify that the reason for taking the deposition of the said witness is, that the said witness, the said James Hewitson, resides and lives in the city of Saltillo, in the Republic of Mexico, more than one hundred miles from the city of New Orleans, the place of trial of the action at law or matter of controversy aforesaid; and I do further certify that I gave no notice to the said Eliphas Spencer, or his attorney, to be present at the taking of this deposition, and to put interrogatories if he or they thought proper, because neither the said Eliphas Spencer nor his attorney is within one hundred miles of the city of Galveston, the place of the caption of this deposition, and where the same is taken; and I do further certify, that, being attended by the witness, as stated in the caption, after being duly sworn, he testified in my presence as before set out, which was reduced to writing by me in the presence of the witness, and by him signed in my presence; and I do further certify, that I am not of counsel or attorney to either of the parties in the action at law or matter of controversy aforesaid, or in any manner whatever interested in the event of the same. I have retained this deposition to be sealed up, directed, and transmitted to the circuit court aforesaid, in accordance with the act of Congress in such case made and provided.

"Given under my hand and seal, this 23d day of February, A. D. 1855, aforesaid.

[L. S.] "A. M. HUGHES, *Commissioner.*"

The paper which I have read is the deposition made by one Dr. Hewitson, a citizen of Saltillo, in Mexico, on the 23d February, 1855, in which he declares that he is acquainted with the handwriting of Gonzales the regidor, who purports to have executed the power of seal in the De la Vega title; that he is acquainted with the handwriting of the two assisting witnesses, and that their signatures are in their handwritings respectively; that the body of the instrument is in the handwriting of Gonzales, as are also the certificate and signature.

It may be asked why I present this evidence, which goes to the validity of the title of the De la Vega tract? I do it because every particle of this case ought to be brought to the consideration of the House. The subsequent testimony will show that this man Hewitson, an extensive litigant in Judge Watrous's court in eleven-league grants, as is proved by his own witnesses, was guilty of base purjury in swearing to that testimony. It is a part of the evidence, and it is one of the circumstances upon which we rely to show the falsity of the instrument.

We next come to the *testimonio* of Thomas de le Vega, the maker of the grant in question. That was taken the 24th of November, 1856, by the proper officer in Saltillo, before which officer De la Vega swears he never signed such a paper; and at the same time says he did, in connection with the two Aguirres sign a power of attorney to Samuel May Williams, authorizing him to take possession of thirty-three leagues of land, to which they were collectively entitled under the concession. He says he never signed such an instrument as this power of sale, though, upon examination in the archives of Saltillo, he finds a paper which he executed, authorizing Williams to take possession of this land and he also finds a power of sale, which is signed by one of the Aguirres, and not by the other, nor by himself, nor any assisting witness. That is the oath of De la Vega, who is alleged to be the maker of this grant. His testimony is as follows:

On the 24th day of November, 1856, peace having been reëstablished in this city th (señor) judge caused to appear Mr. Thomas de la Vega, to whom was administered, in du form, the oath prescribed for one who comes forward to say the truth, according to hi knowledge; and he having been interrogated conformably to the interrogatories whic are contained in the first of the translated documents which were read to him, he said, i answer;

To the first. That he is forty-six years of age, and, by occupation, a merchant.

To the second. That he is not acquainted with, and that he has never been acquainte with, Samuel M. Williams.

To the third. That he has examined the copy, (in question,) and that he never signe the original which it purports to represent; that he did, conjointly with Don Rapha and Don José Maria de Aguirre, grant a power to the effect that the Williams referred should take possession of and mark off eleven tracts, (of land,) which the Governor h granted to each one of the appearers; but that he did not grant, and that he never h granted, any power, as to his part, to alienate or sell these tracts; that, consequently, th power which is exhibited to him is false.

To the fourth. That he has always signed Thomas de la Vega, and that he does n recollect ever having done so under the name of Thomas Vega.

To the fifth. That he has never signed any power for the alienation of his lands, a that he does not know whether there is a copy of the document exhibited to him in th archives of Saltillo; but that there cannot be, for he repeats his statement that he h never given any such power.

The sixth is omitted, because no such case has arisen as the question refer to.

To the seventh. That he does not understand the question.

To the eighth. That, a short time since, he granted a power to Mr. Simon Mussina, resident of New Orleans, to settle, in his name, this matter, conformably to the powe given to him; that what he has stated is the truth, under the obligation of his oa which he confirms and ratifies, signing it with the judge, before me, as I attest.

ACUNA,
THOMAS DE LA VEGA.

DOMINGO V. MEJIA, *Notary Public.*

Mr. CRAIGE, of North Carolina. I desire to ask the gentleman if, after De la Vega made that grant in 1832, and after Mussina, the present prosecutor, had lost his suit in New Orleans, in which the court decided that Lapsley had the title, De la Vega did not make a contract with Simon Mussina, the prosecutor, by which he authorized him to sell this same tract of land, and to give him one fourth of the land for his services?

Mr. REAGAN. I will say to the gentleman from North Carolina, that I have heard it said that Mussina, in 1857, made some such contract with La Vega; but that was a year after this testimony was taken.

Mr. CRAIGE, of North Carolina. Mussina so swore before the committee.

Mr. REAGAN. Let it be so; but that is not the question with which I have to deal. I say here is La Vega's oath made when he was a party to a grant which might inure to his own benefit, and there is this ground of interest going to his credibility; but fairness requires the statement.

Next comes the deposition of José Cosme De Castaneda, the custodian of the archives of Saltillo, dated December 24, 1856, which is as follows:

On the same day (November 24, 1856) appeared Mr. José Cosme de Castaneda before the judge, and he having taken the oath in due form of law which is prescribed for every one who appears to tell the truth, according to his knowledge; and having been interrogated on the questions which correspond to and are contained in the interrogatories read to him, he said in answer:

To the first. That since the year 1840 he has in fact, been the custodian of the archives of the most honorable council of this city, as secretary of the said honorable body.

To the second. That he has examined the records, and in fact has found a power granted by Messrs. José Maria de Aguirre, Raphael de Aguirre, and Thomas de la Vega, to Samuel May Williams, a resident of the city of Austin, which (power) is legally authenticated by the second regidor of the honorable council, who officiated as second alcalde, Don Juan Gonzales, dated the 28th of April, 1832, by which the aforenamed Messrs. Aguirre and Vega empower Williams in their name to take possession of thirty-three tracts of land, which the said appearers (grantors) acquired by purchase from the supreme Governor of the State, and to select the spot in which the surveys of these tracts should be drawn. There is also another power which the same gentlemen drew out before the same regidor and second alcalde, Don Juan Gonzales, dated the 5th of May, 1823, by which the said Williams is authorized to proceed to the sale of the above mentioned tracts of land; but this power was signed only by the alcalde, Don Juan Gonzales, and Don José Maria de Aguirre, and not by Don Raphael de Aguirre or Don Thomas de la Vega, or the assisting witness, wherefore the said documents can be of no effect. That in verification of all that he has stated, he refers to the original documents which exist in the archives ununder his charge.

To the third. That he is unable to furnish the copies asked for, because he has not due authority to do so, but that if the judge officiating should deem it indispensable to grant authenticated copies, then recourse should be had to secure them to the president of the honorable council. That what he has stated is the truth, under the obligation of his oath, which he confirms and ratifies, adding that he is an adult, fifty years of age, a resident of this city, and by profession secretary of the honorable council. And he has signed with the judge, before me, which I attest.

ACUNA,
JOSE COSME DE CASTANEDA.

DOMINGO V. MEJIA, *Notary Public.*

Now, here is the oath of Castaneda, the keeper of the archives of Saltillo, duly sworn to and certified, in which he says he has been the keeper of these archives since 1840; is familiar with them; has examined them carefully, and has found a power to take possession executed by the two Aguirres and La Vega to Samuel M. Williams, signed and properly authenticated; and that he also finds a power of sale signed by one of the Aguirres, but not signed by the other Aguirre or by La Vega, or by either of the assisting witnesses, who this man Hewitson swore had signed it. And yet it appears from the document now in the archives that it was never signed at all.

Mr. MAYNARD. I desire to ask the gentleman whether it is, or is not, a fact that after the date of this power of attorney, purporting to be from La Vega to Williams, and after the sale of this property, and after possession was taken under it, and tracts sold, and tenants in possession adversely, a period of twenty-

five years and upwards did not elapse without La Vega's attempting to assert his right to it?

Mr. REAGAN. Oh, no; the country was far in the wilderness until ten or twelve years ago, and nobody was in adverse possession of the land; and I tell the gentleman more, that although this sale, from Williams to Menard and Williams as trustees for Mrs. St. John, his sister, purports to have been made May 1, 1840, for a consideration paid in 1834, yet they never thought enough of their title to record it till March 9, 1849.

Gonzales's testimony in the case of Lapsley and others, it will be recollected, was taken in 1856, at New Orleans, after the case had been tried and sent to the Supreme Court of the United States, and when there was no use for the evidence, except for the purpose of sustaining the perjury of Hewitson. His deposition was taken and filed in the circuit court of New Orleans. I am authorized to state, from the evidence in the case, that old man Gonzales was induced by the parties, at a cost to them of near six thousand dollars, nearly as much as League gave Mrs. St. John for this tract of land, which he testified is worth $300,000, to come to New Orleans, and testify that he signed, as regidor, the power of sale from La Vega and the Aguirres to Samuel M. Williams, after they had appealed to his passions and his prejudices, after they had spent near six thousand dollars in bringing him to New Orleans to testify in a case that had been decided. What was his testimony? That he did not write the body of the instrument, and that he did not know who did write it. Now, Hewitson, the first witness, had previously sworn that he knew the handwriting of Gonzales well, and that Gonzales did write it. He also swore that Gonzales was dead. Two years afterwards, when it is thought necessary to give $6,000 for a living witness, Gonzales comes forward and swears that he did not write the body of the instrument. There he stands, a living six-thousand-dollar witness, to contradict the false oath of that miserable Hewitson, who was litigating extensively these eleven-league grants in the court of John C. Watrous. Sir, if that had been honest testimony, it would not have cost fifty dollars to get it. Who is there that does not know that?

Now, sir, this poor Mussina, who has exhausted a fortune in trying to have punished a judge who had robbed him, who has resorted to every proper means to give this House information that should cause them to bring John C. Watrous forward to trial, is arraigned and complained of as a bad man because he has devoted years and years, and money, and toil, for the purpose of bringing this judge to account. If he had no other purpose than malice, is it reasonable to suppose that he would have devoted years, and toil, and his fortune, to secure the bringing of this man to justice? Even since the last session, having reason to believe that this power of sale was a forgery, he sent and procured, from the keeper of the archives at Saltillo, a certificate corroborating the evidence of the the other keeper of the archives, stating that the power to take possession made by these three parties to Williams, is there on record, and that the power of sale is there signed by one of the Aguirres, but not signed by the other, or by La Vega, or by the assisting witnesses. Now, what do we see? Old man Gonzales, who swore to the power of attorney, is contradicted by the two keepers of the archives. Now, if there remains yet a lingering doubt in the mind of the House that the power of sale, proven up by Hewitson and Gonzales from the Aguirres and La Vega to Williams, was a forgery, let me clinch conviction by the following document:

To the honorable Probate Judge, Señor Juez de Letras:

Thomas de la Vega, a resident of this city, now appears before you and says: that, in the archives of the illustrious ayuntamienta of this place exist the protocols of the public acts filed in the year 1832, and that among these acts is a power of attorney bearing date 5th of May of said year, which, although signed by Don Juan Gonzales, who then performed the office of judge, is not signed by me, the supposed grantor. In justice to my rights, I pray that your honor shall call at the archives aforesaid, demand the said proto

ol, (or file,) and open the same at the place signed by Don Juan Gonzales; that you shall ite him to appear forthwith before you, without excuse or pretext whatsoever, and in our presence read and examine the said power supposed to have been given by me to amuel May Williams to alienate certain lands that I possessed in Texas, and after a careul examination thereof, that he shall state whether or not it is signed by me. After which also pray that you shall give me an authentical certificate to this effect: whether said ower is, or is not, signed by me, and whether Don Juan Gonzales had authority to perorm the same alone, without being accompanied by a scribe or competent witnesses, who, s our laws require, should always assist the judge in performance of all his official acts, o give them force and validity. As these points here above stated will be required by me s testimony in certain claims which I prosecute in the United States, to prove the nullity f the sale of certain lands of mine, I pray that you shall grant me my prayers as above, elivering to me the originals of these proceedings, with the evidence resulting therefrom, o be made use of as best will suit my interests. I demand justice according to the law.

THOMAS DE LA VEGA.

SALTILLO, *September* 17, 1858.

SALTILLO, *September* 18, 1858.

As prayed for, let Don Juan Gonzales, Zertucho, be cited, and let the demand contained n this petition be complied with. Therefore, the judge substitute of the probate judge of Letras) of this district orders and signs in my presence.

TOMAS SANTOS COY.
DOMINGO V. MEJIA, *N. P.*

Under this same date, Don Thomas de la Vega is duly notified of the above proceedings.

DOMINGO V. MEJIA.

HOMAS DE LA VEGA.

On the same day appeared Don Juan Gonzales, Zertucho, who having taken cognizance f the petition and citation that precede, and having accompanied the honorable judge o the locality where are kept the archives of the illustrious ayuntamiento, and the secreary having been requested to produce the record of public acts for the year 1832, and he same being done, Don Juan Gonzales, after having read and examined the written ower of attorney above referred to in the petition, declared that the power of attorney n record is the same authorized by him at that date, and is in conformity in all its parts vith the *testimonio* also authorized by him, and that the signature of Don Thomas de la Vega does not appear thereon—he knows not why; and, after having so declared, he ereby signed in presence of and together with the judge, as witnesseth.

JUAN GONZALES, *Zertucho.*
SANTOS COY.
DOMINGO V. MEJIA, *N. P.*

I certify with all due formality that the power appears to have been given by the Lientiate, Don José Maria Aguirre, Don Thomas de la Vega, and Don Raphael de Aguirre, n the 5th of May, 1832, and which is on the records of that year, is not signed by Don homas de la Vega, and has no other authorization than the signature of Don Juan Gonales, who fulfilled the office of judge, without the assistance of a scribe or of competent vitnesses, who ought to have accompanied him to give validity to that act, according to ur laws; and in accordance with that prayer contained in the annexed petition, I here ffix my signature in presence of the scribe, as witnesseth.

TOMAS SANTOS COY.

DOMINGO V. MEJIA, *N. P.*

On two pages sealed paper is delivered the testimony to Mr. Vega.

The Governor of the free and sovereign States of Neuva Leon and Coahuila, legalizes he signature of the citizen Tomas Santos Coy, judge substitute of the probate judge of he district of Saltillo, and that of the public scribe, the citizen Domingo V. Mejia, which uthenticate the annexed preceding documents, in the matter of the petition addressed to aid authorities by the citizen, Thomas de la Vega, Monterey, September 22, 1858.

DOMINGO MARTINEZ.

UAN GARZA, *Cromc. Secretary.*

The consular certificate I annex.

J. WALSH, *Consul.*

I hereby certify that the signature to the annexed documents are those of the Goveror and Secretary of the State of Neuva Leon and Coahuila, in the Republic of Mexico; nd the same as they place on all public writings.

Given under my hand and the consular seal, this 23d day of September, 1858,

J. WALSH, *Consul.*

This document is regularly certified by all the proper officers, and I have the original Spanish in my possession ready to be exhibited. There, then, is the record? There is this poor old man, who was induced to perjure himself for a little over two thousand dollars, by this terrible set, coming up in the face of the record and of the judge, and unswearing all he had sworn before! There he stands, convicting this Hewitson. There stands the terrible record against this Hewitson, upon whose evidence poor old Spencer and ten others were, turned out of house and home, and driven off by as infamous perjury as ever was committed by human being! For it was upon this testimony, as I have given it, that the power of sale was admitted in the circuit court at New Orleans, when Lapsley and his confederates gained this land.

Mr. MAYNARD. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Not now; I will answer the question directly. Now, what is the answer made to all this? At the last hour, just as the debate is closing, my colleague comes forward and reads to you extracts from certain private papers purporting to have come from General Austin. What is the effect of those extracts? It is to prove that General Austin said that he had purchased the La Vega and Aguirre grants. If General Austin purchased them, the title may still be in his heirs, of whom my colleague is one; but we have never seen one paper, signed by any human being on earth, showing that General Austin ever had one particle of connection with this matter. Where are the official documents? Where is the concession? It never mentions his name. Where is the power to locate? It never mentions his name. Where is the power to sell? It never mentions his name. Where is any title-paper, from the inception down to this good hour, that even mentions the name of the great Stephen F. Austin? And yet they come here and tell you that Austin said he held the title, without showing the fact or exhibiting a particle of proof; and a sensation is produced upon the very eve of trial, to defeat the course of justice, and turn loose this terrible judge upon the aggrieved people of Texas!

I, too, have come into this case by the instructions of the Legislature of my State; not coldly; not to appear to obey them, but strive to defeat and overturn their object; not to seem to support the right, but certainly to sustain the wrong. I have stood all the time in this case where I stand now, urging justice to the people of my State.

But, sir, if you are not yet satisfied, let me call your attention to one more fact, and that is the fact that if General Austin did hold the title to these lands it may be in him or his heirs yet, and that does not affect the question as to whether the title of Samuel M. Williams was a forgery. Did you not see that when the argument was made? Did gentlemen suppose, in making this argument, that that point would escape my notice? Did they think that I have watched this case and this corruption so long, and yet would permit such a point as that to pass before the House? Ah! sir, justice is all powerful, and it will prevail.

Now, sir, my colleague no doubt stated the truth when he stated that he found the memorandum, to which he has referred, among the papers of General Austin; but does that touch the pretended power of attorney of Samuel M. Williams? Does it touch any part of the case? My colleague will see that his effort to crush down the case, great as it is, never touches the question of the validity of the title, nor contradicts the record or the oath of the man who is charged to have made the power of attorney, and of the two keepers of the archives which I have produced to prove forgery. I have now done my duty to myself and this cause, and I thank the House for its kindness in permitting me to do it.

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